United Nations A/ES-10/722–S/2016/450

General Assembly
Security Council

Distr.: General
17 May 2016
English
Original: Arabic

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-first year

Identical letters dated 16 May 2016 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

Yesterday, 15 May 2016, marked the passage of 68 years since *Al-Nakba*, the tragedy in 1948 in which more than 800,000 Palestinians, 70 per cent of our people, were forcibly uprooted and expelled from their homes and lands or fled in fear for their lives after brutal massacres were carried out in over 400 Palestinian towns and villages by Zionist terrorist groups in Mandate Palestine in a clear act of ethnic cleansing. On this solemn occasion, the Palestinian people reflect on their past and their present with sadness and sorrow as they continue to suffer and struggle for the realization of their inalienable human rights, including their right to self-determination.

Today, *Al-Nakba* of the Palestinian people continues as millions of Palestinians continue to either live in exile as refugees, denied the inalienable right to return to their homes, or continue to live under Israel's nearly 50-year-old belligerent military occupation of the State of Palestine, including East Jerusalem, where they are forced to endure the constant violation of their fundamental human rights. Indeed, with the passage of each year since *Al-Nakba* and since the occupation of the rest of historic Palestine, not a day has gone by in which the Palestinian people have not endured more loss, human and material, as well as untold suffering and hardship.

On this solemn occasion, we must also reaffirm the right of the Palestine refugees to return, a collective and individual right in accordance with international law and United Nations resolutions, particularly General Assembly resolution 194 (III). We reiterate that this right does not diminish with the passage of time and that respect of it is central to the attainment of a just, lasting solution to the conflict. On this occasion, we also take this opportunity to recognize the extraordinary efforts of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and its dedicated staff for their tireless efforts to fulfil the

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Agency's mandate through the provision of education, health care, relief, emergency assistance and protection to the Palestine refugees, as well as by providing a measure of stability and some sense of hope for millions of Palestine refugees through constant crises and turmoil in the region.

It is beyond regrettable that, despite the repeated appeals and calls of the international community, including in the context of United Nations resolutions, Israel not only continues apace but has intensified and broadened the scope and scale of its violations against the Palestinian people by committing grave breaches, including war crimes, systematic human rights violations and acts of State terror, against them. Clearly, the root of all such illegal Israeli policies and practices against the Palestinian people and the continuation of its belligerent occupation has been Israel's colonial settlement enterprise. Rather than working towards ending its illegal occupation, Israel continues to carry out and impose countless illegal measures to further entrench its occupation and destroy the contiguity and viability of the Palestinian land and the prospects for realizing the two-State solution.

This can only be evidenced by Israel's latest and most recent round of aggression against the Palestinian people, in which excessive and indiscriminate force has continued to be routinely employed, causing wilful death and injury in grave violation of international humanitarian law. Since October 2015, the occupying Power has killed more than two hundred and injured and maimed thousands of Palestinian civilians, including children, women and elderly persons. Moreover, the occupying Power has rendered hundreds of Palestinians homeless as it continues with its illegal policy of punitive home demolitions. In addition, the confiscation of Palestinian land for Israel's never-ending plans to expand and build more and more illegal settlements continues, resulting in the displacement of thousands of Palestinians, including Bedouins. In this regard, just today, Israeli occupying forces demolished over 12 European Union-funded caravans housing Palestinian Bedouins in the neighbourhood of Jabal Al-Baba to the east of Occupied East Jerusalem. This latest illegal Israeli measure displaced over 90 Palestinians, most of them children. Moreover, the occupying forces continue to detain, arrest, imprison and torture thousands of Palestinian civilians, including children. The unrelenting violence, terror and provocations by extremist Israeli settlers with total impunity continue unabated, as does the continued imposition of a crippling, dehumanizing and illegal blockade of more than 1.8 million Palestinians in the Gaza Strip who continue to be killed and injured and live in a constant state of fear from Israeli attacks from air, sea and land.

In this regard, I must draw attention to some of the other most recent crimes perpetrated by Israel, the occupying Power, in the period since our last letter to you.

29 April 2016

- Israeli occupying forces raided Al-Aqsa Mosque compound in occupied East Jerusalem, the third holiest site in Islam, and detained dozens of Palestinian worshipers.

1 May 2016

- At least one Palestinian was shot and injured and three others detained by Israeli occupying forces during a military raid into Al-Izza refugee camp, north of Bethlehem.

- Israeli naval boats opened machine-gun fire on Palestinian fishermen sailing within six miles of the shore of Gaza.
- Israeli occupying forces detained three Palestinian minors, Majd Dari (age 15), Fadi Issawi (age 14) and Shadi Odeh (age 17), after raiding their family homes in the town of Al-Issawiya, on the outskirts of East Jerusalem.

2 May 2016

- Israeli occupying forces detained at least eight Palestinians in the occupied West Bank, including East Jerusalem, and stole two vehicles belonging to Palestinian locals in Al-Khalil.
- Israeli occupying forces notified Palestinians in the town of Al-Issawiya, on the outskirts of East Jerusalem, about their intention to demolish their residential and commercial structures.
- Israeli occupying forces demolished an agricultural structure in the city of Qalqilia.
- Israel, the occupying Power, issued and renewed administrative detention orders against 25 Palestinians in Israeli jails, including journalist Omar Nazzal, member of the General Secretariat of the Palestinian Journalists Syndicate and President of the Democratic Journalists Union, who was arrested on the Allenby Bridge on 23 April 2016.

3 May 2016

- Israeli occupying forces punitively demolished the house of a Palestinian prisoner, Zaid Amer, located on the fourth floor of a building in Khallet Al-Eman neighbourhood in Nablus.
- Israeli occupying forces detained six Palestinians from across the West Bank.
- Israeli occupying forces detained 18 Palestinians, including at least 2 minors and a disabled man, during raids in the West Bank.
- Israeli occupying forces forced a local Palestinian family from Silwan, a neighbourhood of East Jerusalem, to demolish three commercial stores of its own under the pretext of construction without an Israeli permit.
- Israeli occupying forces opened fire and killed Ahmad Riyad Shehadeh (age 36) near the illegal Israeli settlement of "Dolev", north-west of Ramallah.

4 May 2016

- Israeli occupying forces detained 19 Palestinians during predawn raids across the West Bank, including Jerusalem.
- Israeli occupying forces notified Palestinians in the village of Al-Walajeh, to the west of Bethlehem, of their intention to demolish eight homes and to stop the construction of a ninth under the pretext of construction without Israeli permits.
- An Israeli settler attacked Palestinian schoolboys en route to their school at Tal Rumeida neighbourhood in Al-Khalil's Old City.

- Israeli armoured tanks fired three artillery shells at adjacent agricultural lands and a landfill to the east of Rafah in Gaza.

5 May 2016

- Israeli warplanes targeted several locations in the besieged Gaza Strip and left one elderly Palestinian, Hasan Hasanin (age 65), and three children moderately to critically injured.
- Israeli occupying forces detained 13 Palestinians, including at least 3 minors, in the West Bank, and 1 at a Gaza border crossing.
- Israeli occupying forces prevented a Palestinian scout group from parading to celebrate the Islamic festival of Isra and Miraj in East Jerusalem.
- Israeli occupying forces stormed Al-Jawaya locality, east of Yatta, in Al-Khalil, and handed Ayed Al-Shawahin (age 35) a military order to stop the construction of his house. During the raid, occupying forces tore down Al-Shawahin's family's residential tents and seized construction equipment.

6 May 2016

- Three Palestinians, including two journalists, were injured as Israeli occupying forces dispersed the weekly protest in Kafr Qaddum in Qalqiliya. In the village of Bilin, dozens suffered from tear gas inhalation as Israeli occupying forces dispersed the weekly protest there, causing a fire to erupt on land belonging to Awad Yasin in the Khallat Al-Ful area. A Palestinian was also shot and injured by Israeli occupying forces near Al-Mintar (Karni) crossing in the eastern Gaza Strip.

7 May 2016

- Israeli occupying forces opened fire on a group of Palestinian shepherds on the eastern outskirts of Gaza City.

8 May 2016

- Israeli occupying forces detained at least seven Palestinians, mostly during predawn raids across the West Bank.
- Israeli occupying forces shot and injured a Palestinian youth, Khalil Ta'mari, in Wadi Al-Hummus area, south-east of East Jerusalem.
- Israeli occupying forces razed a Palestinian-owned 50-dunum land and uprooted 50 olive trees in the village of Kafr Qaddum, east of Qalqilia.
- A group of extremist Israeli settlers attacked two Palestinian human rights activists in the Tal Rumeida area in Al-Khalil.
- Israeli occupying forces opened fire on Palestinian farmers in the southern Gaza Strip.

9 May 2016

- Israeli occupying forces announced their illegal plan to seize 419 dunums of Palestinian land in the Jerusalem towns of Lifta and Beit Iksa to expand the illegal "Ramot" settlement.
- Israeli settlers raided and took over a Palestinian-owned home in East Jerusalem.
- Israeli occupying forces detained 16 Palestinians, including 2 minors, during raids across the West Bank.
- Israeli occupying forces have expropriated a Palestinian-owned piece of land in East Jerusalem from its original owners and handed it over to an organization called "Amana" that works to establish illegal settlements and outposts.
- Israeli occupying forces opened fire at Palestinian farmers tending to their fields on the outskirts of the village of Khuzaa, to the east of Khan Yunis in Gaza.

10 May 2016

- Israeli occupying forces ordered Palestinians to stop the construction of five privately owned homes and a water pipeline project in the village of Al-Aqaba to the east of Tubas.
- A number of Palestinian students and staff from Al-Khalil's Health Work Committees' Emergency Centre were suffocated by tear gas fired by Israeli occupying forces directly towards students and inside the Centre.
- Israeli occupying forces demolished a Palestinian home under construction in the village of Al-Walaja to the west of Bethlehem under the pretext of lacking an Israeli permit.
- Israeli occupying forces detained 16 Palestinians, including 4 minors, from across the West Bank.
- Israeli occupying forces handed a number of Palestinian locals in the village of Susiya, to the south of Al-Khalil, notices to demolish their residential structures.
- Israeli settlers stole three sheep belonging to a Palestinian shepherd near the village of Aqraba, south of Nablus.

11 May 2016

- Israeli occupying forces seized closed-circuit television camera recordings during a raid into Al-Khader town, south of Bethlehem.
- Israeli occupying forces shot and injured two young Palestinian men, one of them seriously, in the village of Kafr Aqab, north of occupied East Jerusalem.
- Israeli occupying forces issued and renewed administrative detention orders against 13 Palestinian detainees.

12 May 2016

- Israeli occupying forces handed a notice to the family of three Palestinian prisoners informing them that their home would be punitively demolished, under the pretext of construction without an Israeli permit.
- Israeli occupying forces detained three Palestinians, including a teen, during overnight raids into the West Bank.

14 May 2016

- Israeli occupying forces detained three Palestinians from Al-Khalil and Jerusalem.
- Violent Israeli settlers stormed the family house of Riyad Abu Hazza', in Tal Rumeida neighbourhood in Al-Khalil, where they beat Abu Hazza's wife, causing several bruises and cuts across her body, then one of the terrorist settlers pepper-sprayed her daughter in the face, causing her to faint.

15 May 2016

- Israeli occupying forces detained four Palestinians from Bethlehem and Al-Khalil, in addition to an elderly person from Jerusalem.
- Israeli occupying forces continued their blockade of the town of Hazma, in East Jerusalem, for the fifth consecutive day.
- Two Palestinian detainees in Israeli jails have been on an open-ended hunger strike for 43 days in protest of being held in jail without charge or trial.

16 May 2016

- Israeli occupying forces detained at least 11 Palestinian civilians across the West Bank, including East Jerusalem.
- Israeli occupying forces dismantled 12 Palestinian-owned caravans in Jabal Al-Baba neighbourhood, near the town of Al-Ezariya to the east of Jerusalem.
- Israeli occupying forces opened heavy machine-gun fire towards Palestinian farmers who were attempting to reach their agricultural land to the east of Gaza City.
- A Palestinian worker was moderately injured when Israeli occupying forces opened live fire at him near Bethlehem.

After nearly 50 years of occupation and nearly 70 years since *Al-Nakba*, we will not relent in our calls and efforts for the upholding of international law and the protection of our people towards the realization of justice, the fulfilment of their inalienable rights and legitimate national aspirations, including to independence in their State of Palestine, with East Jerusalem as its capital, and the attainment of a comprehensive and lasting peace, which we have for so long sought and which is so urgently needed for both regional and international peace and security. In this context, the time to act, with responsibility and conscience, is long overdue to bring an end to Israel's almost five-decade-old occupation and to all of its crimes against the unprotected Palestinian civilian population and their land.

This letter is in follow-up to our 585 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 29 April 2016 (A/ES-10/721-S/2016/402), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the
State of Palestine to the United Nations

United Nations A/70/882–S/2016/451

General Assembly
Security Council

Distr.: General
17 May 2016

Original: English

General Assembly
Seventieth session
Agenda item 44
Question of Cyprus

Security Council
Seventy-first year

Letter dated 16 May 2016 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I enclose herewith two separate annexes recording the infringements of international air traffic regulations and violations of the national airspace of the Republic of Cyprus by Turkey (see annex I), as well as the illegal use of closed ports by Turkish warships (see annex II) during the month of April 2016. It should also be noted that Turkish commercial aircraft systematically use the illegal Tympou airport.

Furthermore, I wish to inform you that Turkey and the occupation regime illegally issued a Notice to Airmen (NOTAM) on 13 April, relating to exercises organized by the Turkish Air Force.

Turkey's actions are clearly aimed at undermining the sovereignty of the Republic of Cyprus, bolstering the continuing de facto division and upgrading the secessionist entity's status by claiming purported airspace over the occupied territory of the Republic. Additionally, Turkey continues to systematically harass civilian and military aircraft within the Nicosia flight information region (FIR) via radio calls. Meanwhile, Nicosia FIR infringements and violations of the national airspace of the Republic of Cyprus continue unabated. Turkey's policy of persistently breaching international law and defying international rules and regulations puts the safety of international civil aviation at risk, impacts negatively on the stability of the region and causes difficulties for air traffic over Cyprus.

On behalf of my Government, I strongly protest the continuing infringements of international air traffic regulations and the violations of the national airspace and territorial waters of the Republic of Cyprus by Turkey and appeal for their immediate cessation. The Republic of Cyprus reiterates, in this respect, its call for adherence to the principle of sovereignty and non-interference enshrined in the Charter of the United Nations.

I would be grateful if you would have the present letter and its annexes circulated as an official document of the General Assembly, under agenda item 44, and of the Security Council.

(*Signed*) Nicholas **Emiliou**
Ambassador
Permanent Representative

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Annex I to the letter dated 16 May 2016 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Airborne violations

Date	*Time*	*Nature of violation*
1 April	0749-0840	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1025-1315	Two Cougar Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
5 April	1704-2045	Two Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
6 April	1113-1136	One B-200 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1421-1439	One B-200 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1632-1658	One PA-46 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
7 April	1348-1514	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1356-1505	Two F-16 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1404-1449	Four F-16 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.

Abbreviations: ACC, area control centre; FIR, flight information region.

Date	*Time*	*Nature of violation*
8 April	1043-1120	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1224-1414	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1418-1505	Two Cougar Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
12 April	1442-1634	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1538-1550	Two F-16 and four F-4 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
13 April	1058-1140	One Huey Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1428-1605	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
14 April	1043-1515	Two Cougar Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1111-1124	Two F-16 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1355-1438	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
19 April	1027-1507	One Cougar Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.

Date	*Time*	*Nature of violation*
20 April	1308-1429	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1424-1545	One Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
21 April	0858-1005	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1440-1617	One Cougar Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1451-1510	One GLF-4 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1745-1803	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
22 April	1028-1135	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1421-1542	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
23 April	1052-1100	One GLF-4 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
25 April	0950-1107	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.

Date	*Time*	*Nature of violation*
	1035-1055	One GLF-4 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
28 April	0920-1122	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1021-1041	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1031-1048	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1135-1148	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1130-1205	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1320-1350	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1218-1425	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.

Annex II to the letter dated 16 May 2016 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Naval violations

Dates	*Nature of violation*
19 February-28 April	One A-573 Turkish tanker violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
6-10 April	One P-337 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
10-12 April	One P-332 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
12-13 April	One A-1600 Turkish vehicle carrier boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta.
12-14 April	One P-337 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
14-18 April	One P-332 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
18-22 April	One P-336 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
22-24 April	One P-337 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
24-26 April	One P-336 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
25 April	One A-1600 Turkish vehicle carrier boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta.
25-26 April	One P-346 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta.
26-28 April	One P-337 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.

Dates	*Nature of violation*
28 April	One F-491 Turkish frigate violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
28-30 April	One A-586 Turkish boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta.
28 April	One P-337 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
28 April	One S-355 Turkish submarine violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Keryneia.
30 April	One P-332 Turkish missile boat violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.

United Nations S/2016/452

Security Council

Distr.: General
16 May 2016

Original: English

Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2273 (2016) of 15 March 2016. It covers major political and security developments in Libya, provides an overview of the human rights and humanitarian situation in the country, and outlines the activities of the United Nations Support Mission in Libya (UNSMIL) since the issuance of my report of 25 February 2016 (S/2016/182).

II. Political and security-related developments

2. Libyan political actors continued to make progress, despite some delays, in implementing the Libyan Political Agreement, signed on 17 December 2015 in Skhirat, Morocco. United Nations efforts were focused on supporting those implementation efforts. In an important first step towards a peaceful and orderly handover of executive authority, the Presidency Council of the Government of National Accord installed itself in Tripoli on 30 March. The relatively calm security situation, as well as statements of support by municipal councils in the greater Tripoli area and other stakeholders, signalled broad popular support for its arrival. The Presidency Council asked the United Nations to rapidly establish a presence in Tripoli and encouraged Member States to re-establish diplomatic missions in support of the political process. UNSMIL continued to support the efforts of members of the House of Representatives to conduct a formal vote on the composition of the proposed Government of National Accord and to amend the Constitutional Declaration, in accordance with the Libyan Political Agreement.

3. Nonetheless, significant work was still required to broaden the base of support for the implementation of the Libyan Political Agreement and support the new transitional institutions in carrying out their duties. Despite the relative calm prevailing in Tripoli following the arrival of the Presidency Council, a number of political actors continued to oppose the implementation of the Agreement. In addition, the security situation remained fragile both in the capital and across the country. The leadership of the General National Congress and its executive, which was increasingly isolated following the move by a majority of Congress members, on 5 April, to constitute the State Council, criticized the arrival of the Presidency Council. Meanwhile, Islamic State in Iraq and the Levant (ISIL) affiliates made new

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attempts to expand their reach, and armed conflict in Benghazi and elsewhere added to the plight of the civilian population.

Implementation of the Libyan Political Agreement

4. During the reporting period, the Presidency Council and political stakeholders continued their efforts to implement the Libyan Political Agreement, including steps towards the establishment of a Government of National Accord supported by security arrangements, in order to end armed conflict and unify divided governance structures. In the weeks following its 23 February session, which had failed to produce a vote on the proposed Cabinet for the Government of National Accord, leading members to sign a statement of support for the Cabinet, the House of Representatives was not able to achieve the quorum needed to convene a new session. Consequently, the United Nations facilitated a meeting of members of the Libyan political dialogue in Tunis, on 10 March. Dialogue members underscored the inherent competence of the House of Representatives to endorse the proposed Government of National Accord and called on the House to uphold its responsibilities with respect to the implementation of the Libyan Political Agreement. At the same time, dialogue members urged the Presidency Council to rapidly begin working from Tripoli and called on all public bodies, including financial institutions, to put in place all the arrangements necessary for an immediate, orderly and peaceful handover of executive authority.

5. The Presidency Council subsequently announced, on 12 March, that it would initiate the work of the Government of National Accord. Seven of the nine Presidency Council members arrived in Tripoli, on 30 March, by sea. Their arrival was facilitated by the Temporary Security Committee, which had established security arrangements involving army, navy and police forces and had engaged in liaison with armed groups. UNSMIL offered advisory support to the Committee and the Presidency Council in that regard.

6. Having temporarily installed itself at the naval base in central Tripoli, the Presidency Council proceeded to meet with a number of stakeholders, including representatives of municipalities, public institutions and civil society, and to issue executive decisions. On 3 April, the Presidency Council issued decisions on establishing control over state finances, deciding to temporarily freeze the accounts of public entities and to establish a committee to oversee the allocation of funds. My Special Representative for Libya met with the Presidency Council in Tripoli on 5 and 17 April to discuss options and priorities with respect to United Nations support for the restarted transition process.

7. UNSMIL continued to engage with the leadership and members of the House of Representatives on the convening of a session of the House to officially endorse the Government of National Accord and amend the Constitutional Declaration. Following failed attempts to convene sessions in Tobruk on 18, 19 and 21 April, members of the House who supported the Government of National Accord resorted to signing a statement of support for the Cabinet and calling for the House to convene outside Tobruk to swear in the Government.

8. The leadership of the Tripoli-based "Government of National Salvation", meanwhile, continued to oppose the arrival of the Presidency Council, declaring a state of emergency prior to the Council's arrival in Tripoli and subsequently issuing contradictory statements on whether it was ready to transfer authority. Nonetheless,

the Presidency Council proceeded to take control of several government ministries. Separately, on 29 March, the interim Government based in the east of the country announced that it would step down only when the Government of National Accord was formally endorsed by the House of Representatives.

9. Meanwhile, a majority of the membership of the General National Congress in Tripoli convened consultative meetings in March on establishing the State Council, the third main body emanating from the Libyan Political Agreement. On 5 April, they voted to amend the Constitutional Declaration and proceeded to reconstitute themselves as the State Council. Members of the House of Representatives criticized the move by the Congress to adopt the amendment to the Declaration as encroaching on their prerogatives and questioned the legality of convening the State Council.

Regional and international engagement

10. Neighbouring countries continued to play an important role in supporting the implementation of the Libyan Political Agreement. My Special Representative attended the meeting of the Ministers for Foreign Affairs of the neighbouring countries of Libya held in Tunisia on 22 March. The neighbours welcomed the participation of the Presidency Council as the representative of Libya at the meeting. On 24 March, my Special Representative attended the fifth meeting of ministers of defence of the Community of Sahelo-Saharan States, held in Egypt. The meeting provided an opportunity to consider the regional security aspects of the instability in Libya.

11. Broader regional and international engagement also continued to provide critical support for the political process. My Special Representative continued to work closely with representatives of the African Union, the European Union and the League of Arab States. This cooperation helped to ensure coordinated and united international support for the implementation of the Libyan Political Agreement.

Situation in the west

12. The security situation in the capital and its environs remained largely calm after the arrival in Tripoli of the Presidency Council. The Presidency Council took its temporary seat at the naval base in downtown Tripoli, protected by Libyan army and police units under the command of the Temporary Security Committee, as well as by armed groups nominally subordinate to the Ministry of the Interior. Nonetheless, a few minor clashes took place between security forces and opposing armed groups. In one such incident, on the day of its arrival, members of one group briefly occupied Martyrs' Square in central Tripoli, but quickly withdrew when confronted by forces supportive of the Presidency Council. On 3 April, clashes erupted around the offices of the al-Nabaa television station, a media outlet largely perceived as opposed to the Libyan Political Agreement.

13. Despite the relative calm, tensions continued in the capital. Tripoli remained controlled by more than 40 rival armed groups originating from the capital and nearby cities and areas. On 28 March, clashes erupted in the western Gorji neighbourhood of Tripoli between a local armed group and the Amazigh-dominated National Mobile Force after one of its members had been killed. On 16 April, a subsequent clash, in central Tripoli in the vicinity of the home of a Presidency Council member and also involving the National Mobile Force, saw two of the Force's members killed.

14. While the security situation in the wider western region remained fragile, local ceasefire arrangements proved sufficiently resilient to prevent incidents from escalating. However, on 23 March, fighting broke out between rival armed groups from Warshafanah and Zawiyah, resulting in at least 15 fatalities. Following several days of clashes, mediation by tribal elders and other armed groups put an end to the fighting.

Situation in the east

15. Armed confrontations in eastern Libya continued during the reporting period. In Benghazi, fighting escalated between forces loyal to General Khalifa Haftar and the Benghazi Revolutionaries Shura Council, a coalition of Islamist armed groups, and ISIL. On 20 February, General Haftar launched a new military offensive with the stated objective of evicting the Shura Council and its allies from the city. Forces loyal to General Haftar initially made significant territorial gains, dislodging the Shura Council and ISIL from the central Leithi and eastern Buatni areas, as well as from much of the southern Hawari neighbourhood. This was the first time since late 2014 that General Haftar's forces had made significant progress on the ground, aided by augmented recruitment and the supply of additional weaponry and ammunition.

16. Following three weeks of intense clashes, fighting in Benghazi subsided in mid-March and continued at a lower level. Despite incurring significant losses, the Benghazi Revolutionaries Shura Council and its allies, bolstered by additional weapons, ammunition and fighters transported by sea from its allies in western Libya, retained control of and defended its positions in the southern Qar Younis, Qawarsha and Qanfouda areas and the northern Sabri area. The northern Sabri area is an ISIL stronghold. In mid-April, General Haftar's forces, supported by continued air strikes, acquired control of the cement factory in the Hawari area and of the University of Benghazi in Qar Younis, two positions long held by the Shura Council.

17. In Derna, ISIL withdrew from its last positions in neighbourhood No. 400 and the Fata'ih area south of the city, following clashes in mid-April with the Derna Mujaheddin Shura Council and allied army elements. The Shura Council subsequently announced that the city had been cleared of the presence of ISIL.

Situation in the south

18. In Awbari, the implementation of a ceasefire agreement reached on 22 November in Qatar between representatives of the Tuareg and Tebu communities proceeded without any major incidents during the reporting period. In accordance with the agreement, all armed groups withdrew from the city and 44 detainees were released following an exchange of prisoners. The reopening of Awbari airport and the main route connecting Awbari with the north-east facilitated the flow of goods and the movement of people, in addition to a gradual stabilization of the overall situation.

19. In Sabha, intercommunal tensions continued to have an impact on the overall security situation, with cases of revenge killings reported between the Awlad Sulayman community, on the one hand, and the Qadhadhfa and Tebu communities, on the other.

20. In Kufrah, in the south-east, a partial lifting of the siege that Zway armed militias had laid to the Tebu neighbourhoods contributed to a slightly improved security situation.

ISIL presence

21. During the reporting period, ISIL continued to maintain control of the coastal area around Sirte, in central Libya, effectively controlling a strip of approximately 250 km. ISIL also continued to control a small area in Benghazi, surrounded, however, by opposing local forces. In the west, ISIL was weakened after having lost its main regional base, in Sabratha. In the east, ISIL lost what had been its first Libyan base, in Derna.

22. The blow to ISIL in Sabratha came in the wake of clashes that had occurred in late February between its fighters and local armed groups and security forces, triggered by a local arrest operation after which ISIL briefly occupied police and municipal buildings in the centre of the city, killing 17 people. ISIL fighters in the area, estimated at some 250 in number, many of them Tunisian nationals, were subsequently defeated after several days of fighting. Two Italian nationals held hostage by ISIL were freed during the clashes, while two others were killed.

23. In apparent efforts to consolidate its control over the local population, ISIL reportedly imposed a set of new regulations, including additional tax payments and compulsory religious lessons for males between 20 and 50 years of age. ISIL also continued carrying out executions and cruel corporal punishment.

24. From its bases in Sirte and Nawfaliyah, ISIL continued to raid adjacent southern, western and eastern areas, seeking spoils and revenues as well as an expansion of its area of control. On 9 March, ISIL attacked a checkpoint south of Gharyan, almost 300 km east of Sirte, abducting one policeman. This prompted clashes with armed groups from Zintan and Awlad Abu Seif tribesmen, which resulted in a number of casualties. Also on 9 March, ISIL attacked a checkpoint in Abu Qurayn, some 110 km south of Misrata, resulting in the death of four Misratan fighters.

25. Further towards the east and the south, on 14 March, ISIL attacked the Sarir power station close to the Sarir oilfield, some 350 km south of Ajdabiya, clashing with local Petroleum Facilities Guard units. On 2 April, ISIL attacked the Al-Baida 47 oilfield, some 250 km south of Ras Lanuf. Days of fighting with local forces resulted in the deaths of five local fighters and injuries to seven. On 4 April, ISIL raided a checkpoint some 160 km south of Sirte, killing one soldier and injuring two. Local forces from Sukna and Hun later re-established control over the area, killing six ISIL fighters.

26. Libyan forces from Misrata continued air strikes against ISIL targets in and around Sirte. On 6 March, at least 15 ISIL fighters were reported killed in air strikes. Forces from Misrata and other towns in western Libya continued to control the road between Misrata and Waddan, blocking the advance of ISIL westward and southward, while the Petroleum Facilities Guard continued to hinder ISIL expansion eastwards. On 23 April, the Petroleum Facilities Guard intercepted a group of ISIL fighters south of Brega. Ensuing clashes resulted in casualties on both sides.

III. Constitution drafting process

27. After having considered a number of recommendations received following the publication of the first draft constitution on 6 October 2015, a 12-member committee of the Constitution Drafting Assembly produced and published a second

draft in early February. As with the first draft, key provisions proved controversial and reflected continued disagreements among members of the Constitution Drafting Assembly. These related primarily to the role of the second parliamentary chamber, the rights of women and minorities, the national capital, presidential elections, the judiciary, decentralization and local government.

28. In an attempt to help the Assembly make further progress towards consensus, the Government of Oman generously hosted 32 of the 56 Assembly members, including minority representatives, for a three-week retreat in Salalah beginning on 18 March. UNSMIL and the United Nations Development Programme (UNDP) helped to organize the retreat and provided senior international expertise to facilitate the discussions. Eleven Assembly members boycotted the discussions in Oman, having earlier raised objections to the two drafts of the constitution and to the manner in which the Assembly was conducting its work.

29. Consensus was reached on the outstanding issues among most members present in Salalah, including the Tuareg component. On 6 April, all Constitution Drafting Assembly members present except the two Tebu representatives signed a consensus document reflecting the agreed articles.

30. The Constitution Drafting Assembly reconvened a new session in al-Baida on 10 April to amend its bylaws, particularly with respect to quorum issues and procedures for voting on a new draft constitution. While some members of the Assembly continued their boycott of the process, a majority voted on 19 April in favour of a new draft constitution.

IV. Other activities of the United Nations Support Mission in Libya

A. Electoral support

31. During the reporting period, the United Nations electoral support team, managed jointly by UNSMIL and UNDP, continued to work with the High Commission for National Elections in planning activities focused primarily on strengthening the Commission's technical capacities. Those activities relate mainly to preparing for future electoral events and cultivating knowledge and awareness on electoral issues among key decision makers. The team continued to facilitate contacts between the Commission and its counterparts in the Arab region and to coordinate international electoral efforts. In addition, the team provided technical advice to the United Nations-facilitated discussions on the drafting of the constitution.

B. Human rights, transitional justice and the rule of law

32. All parties to the conflict in Libya continued to perpetrate violations of international human rights and humanitarian law and abuses of human rights, some of which may amount to war crimes, with civilians suffering the consequences of protracted fighting and abuses resulting from the breakdown of law and order. During the reporting period, UNSMIL documented unlawful killings; abductions; hostage-taking; enforced disappearances; torture; attacks on human rights defenders, journalists and bloggers; and possible indiscriminate attacks on civilians.

33. UNSMIL also supported the investigation mission of the Office of the United Nations High Commissioner for Human Rights established pursuant to Human Rights Council resolution 28/30. The resulting report,[1] presented to the Council in March, described a wide range of violations and abuses by all parties to the conflict and made a number of recommendations, focusing in particular on accountability and the re-establishment of the Libyan justice system.

34. During the reporting period, UNSMIL also launched a project to issue monthly statements on civilian casualties. The majority of cases documented by the Mission were a result of shelling and gunfire. Attacks were also documented on objects protected under international humanitarian law. In that regard, at least six civilians were killed or injured in hospitals. On 23 March, a nurse was injured by crossfire in the waiting room of the Benghazi Medical Centre, while on 24 March a nurse and her 2-year-old son were killed while sleeping in their apartment in the compound of the hospital in Zawiyah. Clashes that occurred between rival armed groups in the vicinity of the hospital in Sabha on 31 March and 3 April resulted in the deaths of three civilians, one hospital guard and one fighter.

35. The highest number of civilian casualties was recorded in Benghazi. Of major concern was the increasing number of casualties resulting from explosive remnants of war, particularly among internally displaced people, including children, who were returning to their homes. Civilians also reported deliberate attacks on their property by both the Benghazi Revolutionaries Shura Council and Operation Dignity, in particular the burning and looting of homes. A number of civilians remained trapped in affected areas in Benghazi, including the Qanfouda, Qawarsha and Marissa neighbourhoods. The failure by parties to the conflict to allow safe and voluntary evacuation had left those civilians at high risk. Three nationals of Bangladesh and one Pakistani national were shot dead on 25 March as they were attempting to flee from the Qawarsha neighbourhood.

36. In March, intensified fighting in Zawiyah led to the killing of five civilians, including three children. Hundreds of families had to flee their houses to seek refuge in safer areas. Several houses, properties and businesses were destroyed or damaged as a result of fighting or by armed groups targeting their opponents.

37. During the reporting period, UNSMIL also documented 18 executions of captives. On 20 March, following a ruling by a self-appointed Sharia court in Derna, the Derna Mujaheddin Shura Council executed eight men suspected of supporting groups affiliated with ISIL. On 24 March, armed groups from Warshafanah abducted six men from their homes in al-Tewibya before executing them. Their bodies showed signs of torture. In Sirte, between 25 and 28 March, groups affiliated with ISIL executed at least five men, reportedly for treason.

Abductions and torture

38. Armed groups across Libya continued to abduct civilians. Individuals were targeted on the basis of their family or tribal identity as well as political affiliations. Others were abducted for purposes of ransom or effecting prisoner exchanges.

39. Three children from a family in Surman, abducted in early December 2015, continued to be held. In another case, the body of an 11-year-old boy, showing signs

[1] A/HRC/31/CRP.3, available from the website of the Human Rights Council.

of torture, was found in Tripoli in late February after an armed group had abducted him. His family had reportedly failed to pay the requested ransom.

40. UNSMIL also documented cases involving deprivation of liberty and torture across the country, including in sections of the Mitiga detention facility in Tripoli, under the control of the Special Deterrence Force; in the Abu Salim detention facility; and in detention facilities under the control of other armed groups in Tripoli. Similar violations and abuses were also recorded in detention facilities in al-Baida, Bani Walid, Benghazi, Khoms, al-Marj, Warshafanah and Zintan.

41. Those in custody were frequently denied visits from family members and lawyers and subjected to torture or other ill treatment. UNSMIL documented four separate cases of deaths following abduction by armed groups, in Bani Walid, Khoms, Tripoli and Zintan. In each case, the bodies of the victims showed signs of torture. In the Tripoli case, the victim appeared to have been targeted on the basis of his ethnic and tribal identity. Armed groups from Misrata based in Khallat al-Farjan in Tripoli reportedly abducted a 26-year-old man from Tawergha on 21 March. His body, covered with bruises and contusions, was later found in the Tripoli morgue.

42. Armed groups have also targeted women. In Benghazi, a 65-year-old woman continues to be arbitrarily detained, as she has been for 11 months, because of her children's alleged links with the Benghazi Revolutionaries Shura Council. No charges have been brought against her.

Groups in vulnerable situations

43. Migrants, asylum seekers and refugees continue to face a range of abuses, including torture or other ill treatment, in places of detention operated by the Department for Combating Illegal Migration, or by armed groups. Often held in overcrowded cells without adequate fresh air, sanitation, bedding, food or medical care, many suffer beatings and endure forced labour.

44. Children continued to be subjected to unlawful killings, abductions and arbitrary detention, and also suffered as civilian casualties during hostilities. Children in detention were often held with adults, rather than separately as required under international human rights law. Women were frequently targeted by armed groups for abduction and arbitrary detention owing to the affiliations of their family members. Women held in detention were often held in facilities with no female prison guards.

45. Abductions and violent attacks continued against social activists during the reporting period. On 8 March, a political activist was abducted in Benghazi, interrogated and reportedly beaten before his release a week later. On 17 March, a prominent human rights defender, Abdul Basit Abu-Dahab, was assassinated in Derna by means of an improvised explosive device placed under his vehicle. The fate of three bloggers abducted in Benghazi on 28 March remains unknown. Separately in Tripoli, a blogger was abducted by two armed groups on 30 March and held for four days. His captors reportedly subjected him to torture, including by having a dog maul him.

46. On 30 March, 12 heavily armed men attacked the al-Nabaa television station. They threatened the staff, beat at least one staff member and demanded the closure of the station. On 3 April, a second attack on the station, involving explosives and gunfire, resulted in serious damage to its premises. It has since resumed broadcasting, however.

Transitional justice

47. As part of the efforts by the joint Misrata-Tawergha dialogue committee to implement the 18 December 2015 road map document, UNSMIL and UNDP supported committee members in meeting twice during the reporting period. Progress was made towards the completion of a non-technical survey to assess levels of contamination by mines and other explosive remnants of war in Tomina, Karzaz, al-Kararim and Tawergha. However, assessment work in Tawergha was suspended in early March after Misratan armed groups had refused to provide further security. A second meeting by the joint committee discussed good practices utilized under reparations programmes globally and began to address the details of the committee's own programme.

Judiciary and penal system

48. Twenty-four prisoners managed to escape from a prison facility in Zliten following a rocket attack on 16 March. They included criminal and conflict-related detainees, seven of whom were subsequently recaptured. Serious damage to the facility necessitated its closure and the transfer of the remaining detainees to Misrata.

49. On 1 April in Zawiyah, 4 detainees from the al-Nasr detention facility, which is run by the Department for Combating Illegal Migration, were shot dead and 20 others were injured following an apparent escape attempt. A guard was also injured. The case has illustrated the ongoing serious concern regarding the dire situation of migrants, asylum seekers and refugees in Libya, including conditions relating to their treatment and prolonged detention.

50. Ongoing fighting and insecurity continued to impede court functions in Benghazi, Derna and Sirte.

C. Security sector

Support for Libyan planning for interim security arrangements

51. A key focus of UNSMIL engagement on security issues has been to support the Temporary Security Committee in planning for the implementation of the interim security arrangements outlined in the Libyan Political Agreement. Elements include a comprehensive action plan to facilitate the entry into Tripoli of the Presidency Council; international support for Libyan security institutions; and the promotion of a nationwide ceasefire, including in Benghazi.

52. Pursuant to its engagement strategy on interim security arrangements, UNSMIL, working alongside the Temporary Security Committee, consulted with a broad spectrum of Libyan security actors. Discussions were focused on, inter alia, establishing a code of conduct governing the behaviour of armed groups; mapping police and army units with capacity to provide protection to the Presidency Council and the Government of National Accord; and developing a concept for the establishment of a presidential guard. Following the arrival of the Presidency Council in Tripoli, UNSMIL provided it with strategic advice on command-and-control structures and on sequencing the implementation of the interim security arrangements.

53. In parallel, UNSMIL worked alongside the international community to develop options for international support for Libyan security institutions. In that regard, the Mission participated in a conference held in Rome on 15 March for discussions on possible future international training and mentoring of Libyan army and police, if requested by the Libyan authorities. UNSMIL will continue to support the Temporary Security Committee and the Presidency Council in efforts to develop a detailed list of critical needs to be shared with the international community for its immediate consideration.

54. A small team from UNSMIL carried out a number of visits to Tripoli in April to discuss with members of the Presidency Council and the Temporary Security Committee the requirements for the further development of the interim security arrangements in Tripoli. These included the introduction of a mechanism for monitoring the compliance of armed groups with their obligations under the Libyan Political Agreement and the development and implementation of a plan for the provision of security to key ministries and other strategic sites by regular police and army units.

Arms and ammunition management

55. As part of efforts to address the serious problem of unsecured weapons and ammunition across Libya and its impact on the Sahel region as a result of proliferation, the United Nations Mine Action Service finalized proposals on a framework document for arms and ammunition management in Libya, to be presented to the Government of National Accord for its consideration. During the reporting period, the Service also conducted a risk awareness training programme for Libyan women on small arms and light weapons.

D. Women's empowerment

56. UNSMIL continued to promote the role of women in the political process. On 10 March, the Mission organized an International Women's Day event that brought together more than 30 Libyan women and men to discuss women's advancement, in particular the role of women in promoting peace.

57. From 19 to 25 March, UNSMIL and UNDP jointly supported the participation of six Libyan women in the sixtieth session of the Commission on the Status of Women, held in New York. The Libyan participants represented the House of Representatives, the General National Congress, the political dialogue and civil society. In collaboration with the Netherlands and Switzerland, UNSMIL organized a Libyan side event on 23 March attended by more than 60 persons from Member State missions, the League of Arab States, the African Union and United Nations entities.

58. UNSMIL also continued to promote the inclusion of gender provisions in the draft constitution, including by facilitating meetings between Libyan women activists and members of the Constitution Drafting Assembly. Those meetings provided an opportunity for Libyan women to convey inputs, including on election quota systems and the right of Libyan women married to non-Libyans to transfer their nationality to their children.

E. Coordination of international assistance

59. The arrival of the Presidency Council in Tripoli provided renewed impetus for United Nations efforts on the coordination of international assistance to Libya. On 31 March, UNSMIL, in partnership with UNDP, the International Monetary Fund and the World Bank, convened the third Libyan Experts Development Cooperation Forum, in Tunis. Discussions were focused on means of addressing some of the urgent challenges facing Libya; the decline in the status of women and in their presence in public life; the strengthening of civil society; the radicalization of youth; and processes aimed at developing a national integrated development agenda for Libya.

60. On 12 April, the United Nations and the United Kingdom of Great Britain and Northern Ireland convened a senior officials' meeting in Tunis to discuss international support for the Government of National Accord. At the meeting, agreement was reached on activating the proposed coordination structure for international assistance to Libya, which reflects the vision presented by the Presidency Council of the Government of National Accord and establishes a mechanism for collaboration on the timely provision of international support based on national priorities. These include the restoration of security and stability; demobilization, disarmament and reintegration as a key medium-term priority; economic recovery, including strengthening the role of the private sector; inclusive governance at the national and local levels; and the restoration of basic services.

61. The Stabilization Facility for Libya project of UNDP was launched on 12 April in the presence of the Minister of Planning-designate of the Government of National Accord, a senior official of the Government of Germany and representatives of 47 other Member States and international organizations. The project is designed to support the Government of National Accord in broadening its base of support among the population through quick and tangible interventions. These include the rehabilitation of critical infrastructure, the restoration of key services at the municipal level, and enhanced engagement between the central Government and municipalities. Since the launch, pledging by Member States has amounted to $30 million, covering a period of two years.

62. In February, as part of efforts to strengthen the capacities of civil society organizations in support of the democratic transition of Libya, UNDP provided technical assistance to a conflict-sensitivity initiative aimed at establishing a Libyan "leadership group" to serve as a platform for shared conflict analysis that would inform United Nations and international community engagement in Libya on issues related to government functionality, recovery and post-conflict transition.

F. Humanitarian assistance

63. The Libya Humanitarian Response Plan continued to be severely underfunded. As a consequence, the humanitarian community remained unable to fully respond to needs in Libya. Launched in November 2015, the Plan had received only 18.2 per cent of the required funding as at 30 April, totalling $30 million. Of that amount, the Central Emergency Response Fund allocation accounted for $12 million, covering 12 projects. The second meeting of national and international humanitarian partners working in Libya was held in Tunis on 30 March, with discussions focused on gaps

and challenges in the implementation of the Humanitarian Response Plan, key coordination tools and the improvement of response through partnerships.

64. Figures from the International Organization for Migration (IOM) indicate that the number of internally displaced persons in Libya other than in Benghazi has reached 331,622, in addition to 150,362 returnees and 142,370 migrants. Official figures provided by Benghazi municipality put the number of internally displaced persons in the city at 180,000.

65. Despite funding shortfalls, United Nations agencies continued to provide urgent humanitarian relief and assistance during the reporting period. The World Food Programme provided food assistance to 59,100 people, mainly the internally displaced. The World Health Organization (WHO) supplied major consignments of medicines and life-saving supplies to al-Baida, Benghazi, Tripoli and Zliten. Trauma kits and emergency antiretroviral supplies were delivered on the basis of the needs and numbers provided by the Libyan Ministry of Health. In addition, WHO supplied five diarrheal diseases kits, 20 inter-agency emergency health kits and three trauma kits, benefiting some 27,000 critical patients. Antimalarial and antileishmanial drugs were supplied, and 10,000 blood bags were in the process of being shipped to Benghazi. In collaboration with WHO and the Ministry of Health, the United Nations Children's Fund (UNICEF) delivered 1.5 million doses of polio vaccine ahead of the vaccination campaign that began on 16 April, targeting more than 1.2 million children.

66. UNICEF supported the participation of 593 children in structured, sustained and community-based child protection and psychosocial support programmes implemented through fixed or mobile, child-friendly spaces. In addition, UNICEF-supported implementing partners distributed recreational kits to 453 children across Libya. Furthermore, in late February agreement was reached between UNICEF and the municipal council of Zintan to establish a joint steering committee to develop a comprehensive plan for the release, rehabilitation and reintegration of children involved in armed conflict.

67. As at 13 April, the Office of the United Nations High Commissioner for Refugees (UNHCR) had registered 237 additional refugees since late February, bringing the total number of registered refugees and asylum seekers to 37,000. Approximately 100,000 refugees and asylum seekers are estimated to be in Libya, half of them believed to be Syrian nationals, followed by Palestinians, Somalis, Sudanese, Eritreans and others. UNHCR partners continued to visit detention centres in and around Tripoli to provide medical assistance. More than 1,500 persons received medical consultations in March. In April, more than 750 people were rescued by the Libyan coast guard and disembarked in Zawiyah and Tripoli, where UNHCR partners provided assistance.

68. Between 26 February and 14 April, IOM recorded 15,082 migrants as having reached European shores by way of the central Mediterranean Sea corridor. A total of 735 migrants perished during the crossing. Separately, IOM facilitated the repatriation of 347 migrants to Bangladesh, Burkina Faso, the Democratic Republic of the Congo, Mali, Nigeria, Sierra Leone and Togo. IOM successfully distributed 1,838 non-food item kits and 1,904 hygiene kits to migrants in detention centres and to others rescued at sea and being held at the Zawiyah and Abu Salim detention centres.

69. The Food and Agriculture Organization of the United Nations (FAO) continued to implement its emergency response to the outbreak of avian influenza by strengthening veterinary services in Libya. FAO was also providing emergency assistance to the Libyan Agricultural Authority to deal with the growing problem posed by the spread of the red palm weevil outbreak.

70. In response to reported damage to and destruction of cultural heritage and illicit excavations in Libya, the United Nations Educational, Scientific and Cultural Organization (UNESCO), acting in cooperation with the United Nations Institute for Training and Research, continued to assist the Libyan Department of Antiquities in monitoring World Heritage sites through satellite imagery. UNESCO also assisted with the capacity development of Libyan cultural institutions on risk preparedness and security measures with respect to exposed and threatened sites and museums.

V. Deployment of the United Nations Support Mission in Libya and security arrangements

71. The total resources approved for UNSMIL for 2016 amount to $41,181,500. The budget provides for a staffing table of 195 posts and two United Nations Volunteer positions. In view of the security conditions in Libya, UNSMIL international staff remained deployed in Tunis, where the Mission is temporarily headquartered. As at 31 March, a total of 125 UNSMIL international staff, 3 government-provided personnel and 2 United Nations Volunteers were deployed in Tunis, with an additional 29 national staff in Libya. Furthermore, three international staff members and one General Service staff member were deployed at Headquarters and four at the Global Service Centre in Brindisi, Italy.

72. In its resolution 2273 (2016), the Security Council recognized the need for UNSMIL to re-establish its presence in Libya and the need to make necessary security arrangements to that effect, and requested me to report accordingly. Since 30 March, the Mission has established regular flights from Tunis to Tripoli and other cities in Libya. That has facilitated a steady in-country presence of UNSMIL staff focused primarily on supporting the Presidency Council as well as its Temporary Security Committee. While this work has been vital to supporting the Presidency Council and its efforts to establish its presence in the capital and attend to urgent matters of State, the Mission has been unable to re-establish its Tripoli office and permanently redeploy staff on the ground. That remains the case despite repeated requests by the Presidency Council for the immediate relocation of UNSMIL to Tripoli.

73. As noted above, the security situation on the ground remains largely unstable, with significant incidents linked to armed conflict and terrorism. In addition to launching a number of hit-and-run attacks on oil facilities in the central region, ISIL recently resorted to attacks involving improvised explosive devices and suicide vehicle-borne improvised explosive devices. Criminal activity is also a significant source of concern, with incidents involving carjacking and kidnappings for ransom. That situation poses significant risks to the local population as well as to those from other areas who are present in Libya, and presents serious challenges for United Nations operations on the ground.

74. In my previous report, of 25 February 2016 (S/2016/182), I informed the Security Council of the deployment of a needs assessment mission to UNSMIL from 11 to 16 January. It recommended specific and necessary security arrangements to permit the safe and secure re-establishment of a United Nations presence in Tripoli. Of priority is the deployment of a sizeable armed United Nations security team, as a precondition for the permanent return to Tripoli of the Special Representative of the Secretary-General, other United Nations senior officials and their teams. The UNSMIL premises in Tripoli will require security and infrastructure upgrades and, accordingly, increased human resources with respect to mission support functions. In addition, UNSMIL is reorganizing its security apparatus with a view to maximizing the efficient use of existing resources, while ensuring the safe management of increasingly frequent and complex in-country operations.

75. In that regard, UNSMIL has submitted a request for a commitment authority of approximately $10 million as a means to secure the required resources. However, to ensure that these efforts continue, the Mission will require a significant increase in resources and logistical support as the return to Libya gathers pace.

76. A planning process has been initiated, in coordination with United Nations Headquarters, to facilitate the swift implementation of the recommendations of the needs assessment mission and support the next phase of United Nations engagement in Libya for both UNSMIL and the United Nations humanitarian and country teams. That process will play a critical role in ensuring a coordinated approach and secure the resources and support required to facilitate the Mission's work in the critical period ahead.

77. The key objective for the United Nations in Libya continues to be to successfully conclude the democratic transition process through the implementation of the Libyan Political Agreement. Against the evolving political and security backdrop in Libya, UNSMIL will continue to review the assistance that it must provide within the framework of its mandate, particularly with respect to the political process and security arrangements. A longer-term vision will also need to be factored in, with a focus on national reconciliation and conflict prevention as well as an increased focus on support for security arrangements, specifically efforts to advise on, support and coordinate assistance on security for the Libyan authorities. That vision will also need to take into account support for key institutions, including the High Commission for National Elections and the Constitution Drafting Assembly. Furthermore, given the deteriorating human rights and humanitarian situations, UNSMIL should continue its work in human rights monitoring and reporting and in coordinating international humanitarian and development assistance.

78. To continue to effectively address the specific needs in Libya, there may be a requirement to adjust elements of the mandate in consultation with the Libyan authorities. Potential changes to the mandate may also necessitate modifications to the current organizational and staffing structure of UNSMIL. To that end, I will continue to keep the Security Council informed as UNSMIL moves forward with its re-establishment in Libya and with the assessment of its support for the next phase of the country's democratic transition.

VI. Observations and recommendations

79. Despite the progress made in the implementation of the Libyan Political Agreement, there remain serious political and security challenges impeding its full implementation. This notwithstanding, Libya's leaders are reminded that the Agreement that they signed up to five months ago remains the only available framework for ending the conflict and bringing peace to Libya, while also offering a viable road map for managing the remainder of the transitional period. The task of carrying the political process forward must therefore rest primarily with the leaders of Libya. I encourage them to display the same spirit of determination, courage and goodwill that they showed over the course of the political dialogue process in order to facilitate the full and unconditional implementation of the Libyan Political Agreement.

80. In that regard, I urge all institutions emanating from the Libyan Political Agreement to take immediate steps to fulfil their respective obligations as outlined in the Agreement, and within the timelines specified. Only by upholding the higher national interests of Libya through a spirit of inclusivity and reconciliation can there be any viable hope for successful implementation of the Agreement and for a transition period in which immediate challenges can be addressed effectively and the process of building a modern, democratic State anchored in the rule of law and respect for human rights can be started.

81. The peaceful entry of the Presidency Council into Tripoli and the welcome it has since received are indicative of the strong desire among the Libyan people for peace and stability, and for progress towards ending the state of political and institutional division that has wreaked havoc on the Libyan State. The Libyan people expect and demand that the new authorities move quickly to deliver meaningful progress with respect to the provision of security, institution-building and reform, as well as service delivery. It is imperative, therefore, that the Presidency Council reach out to all relevant political and security actors and expedite efforts to create an enabling environment that will allow it to assume its responsibilities, in accordance with the Libyan Political Agreement.

82. As with previous administrations, a key challenge facing the new transitional authorities in Libya is the urgent need to address the widespread proliferation of weapons and the large number of armed groups. Although nominally under State authority, the majority of these groups continue to operate outside the effective control of the Libyan State and Government. It is critical that the Libyan authorities put in place a viable plan that paves the way for the State to gradually exercise an unqualified monopoly over the use of force as outlined in the relevant provisions of the Libyan Political Agreement. This includes the development of professional State security institutions, the successful demobilization and integration or reintegration of fighters, and the implementation of effective defence and police reform programmes. I am grateful to Member States for continuing to abide by relevant Security Council resolutions on the arms embargo in Libya and to refrain from contributing to the armed hostilities, which could seriously derail progress on the political front and undermine the Presidency Council of the Government of National Accord.

83. I remain deeply alarmed by the threat that extremist and terrorist groups, foremost among them ISIL, continue to pose to Libya and the region. The reporting period witnessed ongoing efforts by ISIL to consolidate its presence in Libya,

benefiting from the existing political and institutional divisions of the past two years, as well as from weak border controls and the network of terrorist groups operating in countries neighbouring Libya and the wider region. Repeated attempts by ISIL to make incursions into the oil crescent area during the reporting period must serve as a reminder of the need for immediate, collective action by the Presidency Council of the Government of National Accord to lead efforts to combat and eliminate that threat. The United Nations and the international community stand ready and committed to assist the Libyan authorities in the fight against these terrorist groups, whose guiding force is to propagate a culture of extremism, violence and destruction.

84. While welcoming the progress made in the fight against terrorist groups in Benghazi, Derna and Sabrathah, I note with alarm the potential for armed hostilities between military actors as a consequence of the absence of a unified military command and structure. In that regard, the strong, political commitment of the Presidency Council of the Government of National Accord, along with a united and coordinated approach on the part of the international community, will provide the best chance of preventing full-scale armed conflict in Libya, restoring public security nationwide and combating terrorism.

85. I am particularly concerned about civilian casualties resulting from the ongoing conflict in the country, and reports of targeted attacks on civilian infrastructure, including hospitals. It is the responsibility of the parties engaged in the conduct of hostilities to put in place all the measures necessary to avoid the loss of civilian lives and prevent civilian injuries and damage to civilian installations, in particular hospitals and other medical facilities, and to guarantee unimpeded access to humanitarian assistance wherever needed.

86. I also call on all parties to take decisive steps to end all forms of abduction on account of tribal, family or political affiliations, and to facilitate the immediate and unconditional release of anyone held on those grounds, while ensuring the humane treatment of persons deprived of their liberty. I also urge the Libyan authorities to move quickly and decisively to undertake a judicial screening of all current detainees so that those held illegally can be released and others brought to trial in fair proceedings. The authority to arrest, interrogate and detain must be withdrawn from armed groups in line with relevant provisions of the Libyan Political Agreement.

87. Violence and insecurity continue to have a devastating impact on the lives of conflict-affected people inside Libya. Recent movements of internally displaced persons attempting to return to their homes have exposed returnees to the risk posed by explosive remnants of war, particularly in the highly contaminated Benghazi area. Funding for programmes that address those risks remains vastly inadequate. I therefore urge the international community to contribute to the Libya Humanitarian Response Plan, which provides a framework to immediately alleviate the plight of millions of people in need of assistance in Libya.

88. The ever-growing flow of migrants and refugees embarking on the dangerous journey across the Mediterranean Sea from Libya to Europe is a reminder of the urgent need to do more to prevent the unnecessary loss of life at sea and improve the living conditions of migrants in Libya, many of whom are kept in overcrowded and understaffed reception centres. Immediate action is needed on the part of the

Libyan authorities and the international community to bring to justice smugglers and traffickers of people and support humanitarian protection programmes in Libya.

89. To sustain the current political momentum, it is critical that UNSMIL be provided with the resources necessary to permit its full re-establishment in the Libyan capital and beyond. At its core, the approach of the United Nations family in Libya must be driven by the needs and priorities of the Government of National Accord and, as a first step, the institutionalization of its authority in Tripoli. As that takes shape, the overall concept for the United Nations going forward should be one of responsiveness and flexibility. In line with that approach, I count on Member States to continue to provide UNSMIL with the necessary financial, logistical and security resources.

90. To that end, I recommend that the Security Council renew the mandate of UNSMIL for a period of six months as an integrated special political mission in the areas provided for by the Security Council in its resolutions 2238 (2015) and 2273 (2016). That period will allow UNSMIL to continue to support the authorities as they establish themselves in the country and provide an opportunity to engage with them on their priorities for international assistance. It will also allow for the development of a longer-term vision of United Nations support and engagement in the political transition process of Libya and the continued efforts of UNSMIL to re-establish its presence in Libya.

91. I would like to express my gratitude for the strong support that regional organizations and Member States have provided to the efforts of the United Nations in Libya to implement the Libyan Political Agreement. I also wish to extend my sincere appreciation to the staff of UNSMIL and the United Nations system for their efforts in this critical phase, and I commend my Special Representative, Martin Kobler, for his leadership and tireless efforts to support the Libyans in restarting their democratic transition.

United Nations S/2016/453

Security Council

Distr.: General
17 May 2016

Original: English

Letter dated 17 May 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Residual Mechanism for Criminal Tribunals, pursuant to paragraph 16 of Security Council Resolution 1966 (2010).

I would be grateful if the present letter and its annexes could be circulated to the members of the Security Council.

(*Signed*) Theodor **Meron**

16-07957 (E) 270516

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Annex I

[Original: English and French]

Assessment and progress report of the President of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron, for the period from 16 November 2015 to 15 May 2016

1. The present report, the eighth in a series, is submitted pursuant to Security Council resolution 1966 (2010), by which the Council established the International Residual Mechanism for Criminal Tribunals, and, in paragraph 16 of that resolution, requested the President and the Prosecutor of the Mechanism to submit reports every six months to the Council on the progress of the work of the Mechanism.[a] In addition, certain information contained in the present report is submitted pursuant to the request of the Council contained in paragraph 20 of its resolution 2256 (2015).

I. Introduction

2. The Security Council, by its resolution 1966 (2010), established the International Residual Mechanism to carry out a number of essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, including the trial of fugitives who are among the most senior leaders suspected of being primarily responsible for crimes, after the closure of the two Tribunals. Pursuant to resolution 1966 (2010), the Mechanism would operate for an initial period of four years, and subsequently for periods of two years, following reviews of its progress, unless the Council decides otherwise.

3. In accordance with its mandate, and as set forth below, the Mechanism has assumed responsibility for a number of functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, including with regard to a range of judicial activities, the enforcement of sentences, the resettlement of acquitted and released persons, the protection of victims and witnesses, and the management of archives.

4. With the closure of the International Criminal Tribunal for Rwanda on 31 December 2015, the Mechanism took over all of the remaining functions of that Tribunal as of 1 January 2016. The Arusha branch of the Residual Mechanism is providing support to the Tribunal's liquidation team as that team concludes its work. While the International Tribunal for the Former Yugoslavia progressively finalizes its work, the Mechanism continues to work closely with that Tribunal's principals and staff to ensure a smooth transition of its remaining functions and services.

5. The Mechanism is guided in its activities by the Security Council's vision of it as a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions. To this end, the Mechanism continues to draw upon the best practices of and lessons learned from the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and other tribunals, to actively pursue new ways to improve its operations, procedures and working methods, and to maintain

[a] Unless otherwise specified, figures discussed in this report are accurate as at 13 May 2016.

flexibility in staff assignments. By doing so, the Mechanism seeks to maximize effectiveness and efficiency across both branches while maintaining relatively low staffing levels.

6. The Mechanism is mindful of the temporary nature of its mandate. Wherever possible, detailed projections of the duration of residual functions entrusted to the Mechanism are reflected in the present report, in accordance with Security Council resolution 2256 (2015). Such projections are based on available data and, as a consequence, are both limited in nature at this stage of the Mechanism's work and necessarily subject to modification in the event of changed circumstances.

II. Structure and organization of the Mechanism

7. In accordance with its statute (see Security Council resolution 1966 (2010), annex 1), the Mechanism has a single set of principals, a President, a Prosecutor and a Registrar, who have responsibility over two branches, one located in Arusha and the other in The Hague. As mandated, the Mechanism commenced operations at its Arusha branch on 1 July 2012, assuming functions derived from the International Criminal Tribunal for Rwanda. The Hague branch commenced operations on 1 July 2013, assuming functions derived from the International Tribunal for the Former Yugoslavia.

A. Organs and principals

8. Article 4 of the statute of the Mechanism provides that the Mechanism consists of three organs, the Chambers, the Prosecutor and the Registry, to provide administrative services for the Mechanism.

9. The President of the Mechanism is Judge Theodor Meron, the Prosecutor is Mr. Serge Brammertz and the Registrar is Mr. John Hocking.

10. The expected workload of the respective organs of the Mechanism during the biennium 2016-2017, the anticipated outputs of those organs and the related costs are set forth in detail in the report of the Secretary-General on the budget of the Mechanism (A/70/378). Preliminary information concerning recosting is contained in a further report of the Secretary-General (A/70/606). The General Assembly approved the proposed budget of the Mechanism for the current biennium in resolution 70/243, with certain modifications reflected therein.

B. Judges

11. Article 8 of the statute of the Mechanism provides that the Mechanism shall have a roster of 25 independent judges. During the reporting period, and in accordance with article 10 (2) of the statute, the Secretary-General appointed Judge Seymour Panton to serve as a judge of the Mechanism following the resignation of Judge Patrick Robinson.

C. The branches

12. The Government of the United Republic of Tanzania continues to extend cooperation to the Mechanism in the implementation of the headquarters agreement for the Arusha branch, which entered into force on 1 April 2014 and also applies to the International Criminal Tribunal for Rwanda. The agreement between the United Nations and the Netherlands concerning the headquarters of the Mechanism for the Hague branch was signed on 23 February 2015. Upon its entry into force, it will also apply to the International Tribunal for the Former Yugoslavia.

13. The Arusha branch is currently located at the Arusha International Conference Centre, along with the liquidation team of the International Criminal Tribunal for Rwanda. The Mechanism's new permanent premises in Arusha are under construction and are nearing completion. The Government of the United Republic of Tanzania continues to be strongly supportive of and interested in the project. The Government has graciously completed the permanent road to the site. Connection to a water supply has been completed and connection to electricity is in the final stage. Work on establishing a connection to Internet services is currently ongoing.

14. The Arusha sub-office in Kigali continues to provide protection and support services to witnesses and to lead efforts in tracking the remaining fugitives. Additionally, the Kigali sub-office continues to support the activities of the monitors of the cases referred to Rwanda by the International Criminal Tribunal for Rwanda, pursuant to article 6 of the statute of the Mechanism.

15. The Hague branch of the Mechanism is currently co-located with the International Tribunal for the Former Yugoslavia. The Mechanism has a strong preference for remaining at its current premises after the closure of the Tribunal. Technical discussions and negotiations with the host State authorities, the owners of the premises and possible co-tenants are ongoing.

D. Administration and staffing

16. During the 2014-2015 biennium, administrative services (such as human resources, finance, budget, procurement, logistics, security and information technology services) were to a great extent provided to the Mechanism by both Tribunals, under the coordination of the Registrar of the Mechanism.

17. Towards the end of the 2014-2015 biennium, the ability of the Tribunals to provide this support decreased as their downsizing progressed and the International Criminal Tribunal for Rwanda approached its liquidation phase. The Tribunals and the Mechanism cooperated on the basic requirements for a small, self-standing Mechanism administration, and these requirements were included in the 2014-2015 and 2016-2017 budgets for the Mechanism approved by the General Assembly. The recruitment of administrative staff has occurred in phases as the Tribunals downsize.

18. The transfer of administrative functions to the Mechanism began on 1 January 2014 and is being implemented gradually over the past and current bienniums, in step with the downsizing of the Tribunals and keeping a focus on ensuring efficiency, accountability and consistency.

19. In Arusha, the closure of the International Criminal Tribunal for Rwanda on 31 December 2015 has, as planned, resulted in the full hand-over of security and

logistical functions from the Tribunal to the Mechanism. The Mechanism continues to work closely with the Tribunal liquidation team to ensure that the team receives the required support and to finalize pending administrative matters. For example, at the request of the General Assembly, the Mechanism has taken over responsibility for the payment of pension entitlements to former judges of the Tribunal.

20. The Mechanism is grateful for the support provided by the International Criminal Tribunal for Rwanda to the Mechanism from its inception until the official closure of the Tribunal in December 2015.

21. During this reporting period, and in accordance with the plan for the transfer of administrative functions, the Human Resources, Finance, Procurement, Information Technology, and General Services Sections of the International Tribunal for the Former Yugoslavia continued to perform their functions on behalf of the Tribunal and both branches of the Mechanism. They did so supported by the limited number of Mechanism administration staff, commensurate with the Mechanism's size.

22. Significant efforts have been undertaken during the reporting period by the above-mentioned sections of the International Tribunal for the Former Yugoslavia and the Mechanism to ensure that all contractual arrangements and structures are in place at the Mechanism's Arusha branch to ensure the continued and uninterrupted provision of administrative services following the closure of the International Criminal Tribunal for Rwanda. Implementation of Umoja has been an important task during the reporting period. Both tasks are expected to continue to demand the attention of the Mechanism and the administration of the International Tribunal for the Former Yugoslavia over the months to come.

23. The Mechanism has a vacancy rate of just 7 per cent for its continuous posts. As at 1 May 2016, 164 of the 176 approved continuous posts for the biennium have been filled to carry out the Mechanism's continuous functions. An additional 159 personnel are serving as general temporary assistance to assist with ad hoc needs, including judicial work, litigation and transition issues. These positions are short-term in nature and the number may fluctuate depending on the relevant workload.

24. The Mechanism's continuous and general temporary assistance positions include nationals of 64 States: Albania, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, China, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Ethiopia, Fiji, France, Gambia, Germany, Ghana, Greece, Guinea, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Kenya, Latvia, Lebanon, Liberia, Malaysia, Mali, Nepal, Netherlands, New Zealand, Niger, Nigeria, Pakistan, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Serbia, South Africa, Sudan, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Zimbabwe.

25. A total of 59 per cent of Professional staff are female, surpassing the Secretary-General's gender parity goals. In addition, the Mechanism has in place focal points for gender issues; sexual exploitation and abuse; lesbian, gay, bisexual and transgender concerns; and diversity and inclusion issues.

26. Further details concerning the staffing of the Mechanism by division are reflected in the enclosure to the present report.

E. Legal and regulatory framework

27. The Mechanism has established a structure to govern its activities and continues to develop rules, procedures and policies that harmonize and build upon the best practices of both Tribunals.

28. During the reporting period, the judges of the Mechanism adopted an amendment to rule 24 of the Mechanism's Rules of Procedure and Evidence, whereby the designated Duty Judge at the Arusha branch of the Mechanism would assume the functions of the President temporarily if the latter does not remain in office or is unable to carry out the functions of the President. In addition, two new practice directions were promulgated: the practice direction on the procedure for the implementation of rule 110 (B) of the Rules of Procedure and Evidence, and the practice direction on the procedure for the proposal, consideration and publication of amendments to the Rules of Procedure and Evidence of the Mechanism. Furthermore, the Mechanism's Registrar issued a number of new policies, including the remuneration policy for persons representing indigent accused in pre-trial proceedings before the Mechanism, and the remuneration policy for persons representing indigent accused in appeals proceedings before the Mechanism. The Mechanism has also continued to develop and improve the procedures and policies that govern its administrative activities.

III. Judicial activities

29. During the reporting period, the Mechanism has been seized of a number of complex matters and the President and judges have continued to engage in a wide variety of judicial work, issuing 199 decisions or orders. The most significant matters are highlighted below.

30. On 9 December 2015, the Appeals Chamber of the International Tribunal for the Former Yugoslavia issued a judgment in the case of *Jovica Stanišić and Franko Simatović*, quashing their acquittals and ordering a retrial on all counts. A Trial Chamber of the Mechanism at the Hague branch is seized of the case. On 18 December 2015, Mr. Stanišić and Mr. Simatović pleaded not guilty at their initial appearance. The Presiding Judge of the Trial Chamber (who also serves on the *Hadžić* case) is present in The Hague and is actively overseeing the pre-trial proceedings and trial planning in this case. During the pre-trial process, the other two judges on the bench perform their work, when their participation is required, remotely. The Presiding Judge held a trial preparation hearing on 19 February 2016 and a status conference will be held on 23 May 2016. It is anticipated that initial projections for the commencement and completion of the trial will be available in the next report following the conclusion of consultations between the judges and the parties concerning the scope and manner of presentation of the evidence.

31. On 24 March 2016, a Trial Chamber of the International Tribunal for the Former Yugoslavia issued its judgment in the case of *Radovan Karadžić*, finding him guilty of genocide, crimes against humanity and violations of the laws and

customs of war, and sentencing him to 40 years of imprisonment. Mr. Karadžić has indicated his intention to appeal his conviction and sentence and has filed before the Appeals Chamber of the Mechanism a motion for extension of time to file his appeal, citing, inter alia, the extraordinary breadth and complexity of the proceedings and judgment in his case. A limited extension of time has been granted, and the parties are ordered to file any notices of appeal in this case no later than 22 June 2016. Pending receipt of the appeal filings, the estimate of three years to completion of the case previously reported in the Mechanism's review report of 20 November 2015 (S/2015/896) remains unchanged.

32. On 31 March 2016, a Trial Chamber of the International Tribunal for the Former Yugoslavia issued its judgment in the case of *Vojislav Šešelj*, finding him not guilty on all counts. The Prosecution filed its notice of appeal on 2 May 2016, arguing that the Trial Chamber erred in law by failing to deliver a reasoned judgment and that it erred in fact by acquitting Mr. Šešelj. The Prosecution requests that the Appeals Chamber revise the trial judgment and find Mr. Šešelj guilty or, in the alternative, that it reverse the judgment of acquittal and order a retrial. The translation of the trial judgment, together with the related judicial opinions, is expected by the end of September 2016, sooner than originally envisaged, which may have a positive impact on the initial projections for completion of the appeal. Pending the full briefing of the appeal, the estimate of three years to completion of the case previously reported in the Mechanism's review report of 20 November 2015 remains unchanged.

33. On 20 November 2015, Jean Uwinkindi appealed against the decision of a Trial Chamber of the Mechanism dismissing his request for the revocation of the referral of his case to Rwanda. While the briefing related to the substance of his appeal was completed in March 2016, Mr. Uwinkindi has filed several requests for admission of additional evidence in respect of which the briefing is pending. It is estimated that this matter will be concluded during the next reporting period.

34. The President of the Mechanism has, pursuant to his authority in the area of enforcement of sentences, issued three decisions in response to requests for early release as well as a number of other decisions and orders. He is currently seized of a number of other confidential enforcement matters. In reaching decisions on certain enforcement matters, the President consults the judges of the sentencing Chamber who are judges of the Mechanism, as applicable.

35. During the reporting period, the President also issued a number of additional decisions and orders, including three decisions related to requests for legal aid. Moreover, the President issued 59 assignment orders, of which 48 were to single judges, 10 to the Appeals Chamber and one to a Trial Chamber.

36. In addition, single judges of the Mechanism adjudicated numerous motions addressing diverse matters, including those relating to the protection of victims and witnesses and allegations of contempt of court. A single judge was further assigned to conduct an inquiry into the circumstances surrounding the death of Zdravko Tolimir while in custody at the United Nations Detention Unit in The Hague. A report to the President regarding the findings of the single judge is forthcoming. The Appeals Chamber also disposed of an appeal from a decision of a single judge and ruled on requests for provisional release.

37. Except as noted above in relation to specific cases and as concerns any appeal from the *Hadžić* case, which has been stayed indefinitely, the projections for the duration of various judicial functions remain unchanged from those set forth in the Mechanism's review report of 20 November 2015. These projections reflect estimates based on factors such as past experience with cases of similar size and scope conducted at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, the scope of the case concerned, activity at the Mechanism to date, and the efficient working methods of the Mechanism Chambers. The projections presume that no extraordinary events will occur during the course of the proceedings that may affect their conduct. There are inherent uncertainties in providing estimates for the length of individual proceedings in the absence of indicative information, such as the scope of any appeal and any possible procedural issues arising in a case that may affect its conduct, and all projections remain subject to periodic updating based on any new information. There are likewise inherent uncertainties in predicting the frequency with which requests for various forms of judicial relief will be submitted in the future.

IV. Victims and witnesses

38. Pursuant to article 20 of the statute of the Mechanism and article 5 of the transitional arrangements (Security Council resolution 1966 (2010), annex 2), the Mechanism is responsible for witness support and protection for the thousands of protected witnesses who have testified in cases completed by the two Tribunals.

39. The Witness Support and Protection Unit continues to be fully operational at both branches of the Mechanism. Consistent with judicial protection orders, and in close collaboration with domestic authorities and other United Nations entities, the Unit continues to provide security for witnesses by undertaking threat assessments and coordinating responses to security related requirements. In addition, the Unit ensures that protected witness information remains confidential and has continued to contact witnesses when orders to seek consent for the rescission, variation or augmentation of witness protective measures are received.

40. The Arusha branch provides ongoing support services to witnesses. Witnesses residing in Rwanda continue to receive medical and psychosocial services, particularly those witnesses experiencing psychotrauma or living with HIV/AIDS, many of whom contracted the virus as a result of crimes committed against them during the genocide.

41. The Hague branch is supporting the efforts of the Victims and Witnesses Section of the International Tribunal for the Former Yugoslavia in finalizing a pilot study, supported by the University of North Texas and partly financed by voluntary contributions, into the long-term impact that testifying before the Tribunal has on witnesses. The pilot study's final report remains on schedule for publication in June 2016. In November 2015, the Arusha branch met with representatives of the University of North Texas to establish the best approach for conducting a similar survey for witnesses residing in Rwanda.

42. The witness protection teams at the two branches continue to exchange best practices for the development of policies, and have established a common information technology platform for their respective witness databases. The

platform became accessible to both branches in November 2015, with the aim of maximizing operational efficiencies across both branches.

43. It is expected that victim and witness protection will continue to be required in future bienniums in the light of the many judicial protection orders that will remain in force unless rescinded or waived.

V. Fugitives and trial and appeal readiness

44. On 1 July 2012, in accordance with Security Council resolution 1966 (2010) and the statute of the Mechanism, the responsibility for tracking the remaining fugitives indicted by the International Criminal Tribunal for Rwanda was transferred to the Mechanism. Specifically, the Council urged all States, particularly those where fugitives are suspected to be at large, to further intensify cooperation with and render all necessary assistance to the Mechanism in order to achieve the arrest and surrender of all remaining fugitives as soon as possible.

45. Eight accused individuals who have been indicted by the International Criminal Tribunal for Rwanda remain fugitives. Of the eight fugitives, the Mechanism retains jurisdiction over three: Félicien Kabuga, Augustin Bizimana and Protais Mpiranya. The cases of the other five fugitives have been referred to Rwanda. The arrest and prosecution of these eight remaining individuals remains a top priority for the Mechanism.

46. One fugitive, Ladislas Ntaganzwa, was apprehended in the Democratic Republic of the Congo in December 2015. Pursuant to rule 59 (B) of the Rules of Procedure and Evidence, on 20 March 2016 officials of the Mechanism Registry facilitated the transfer of Mr. Ntaganzwa to the custody of Rwanda, as his case had been referred to Rwanda pursuant to rule 11 *bis* of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda.

47. Consistent with its commitment to efficiency, the Mechanism continues to ensure that it is prepared to conduct a trial or appeal when a fugitive is apprehended and/or when any ongoing proceedings at the International Tribunal for the Former Yugoslavia result in an appeal or retrial. Pursuant to article 15 (4) of the statute, rosters of qualified potential staff have been populated for the expeditious recruitment of additional staff required to support these judicial functions. Policies for remunerating defence counsel in pre-trial and appeals proceedings were issued, on 22 March and 21 March 2016 respectively. These documents reflect best practices from both the Tribunals. Remuneration policies for trial and contempt proceedings are being finalized, as is a policy for self-represented accused.

VI. Detention facilities

48. The Mechanism has continued to manage and operate the United Nations Detention Facility in Arusha since the transfer of this function on 1 October 2015. There has been no disruption in services provided during or after the transition to the Mechanism. Following the delivery of the International Criminal Tribunal for Rwanda appeal judgment in the *Nyiramasuhuko et al.* case, the Detention Facility currently houses 10 persons who are awaiting their transfer to enforcement States.

49. At the Hague branch, the Mechanism continued to rely during this reporting period on the provision of detention services by the International Tribunal for the Former Yugoslavia at the United Nations Detention Unit.

VII. Cases referred to national jurisdictions

50. Pursuant to article 6 (5) of its statute, the Mechanism is responsible for monitoring cases referred by the two Tribunals to national courts, with the assistance of international and regional organizations and bodies.

51. The cases of three individuals indicted by the International Criminal Tribunal for Rwanda and subsequently apprehended, Jean Uwinkindi, Bernard Munyagishari and Ladislas Ntaganzwa, have been referred to Rwanda for trial. Mr. Ntaganzwa was arrested during the reporting period, on 9 December 2015, by the authorities of the Democratic Republic of the Congo. The trial in the *Uwinkindi* case concluded in December 2015 and is now on appeal (further information concerning this case is provided in section III above.) The trial in the *Munyagishari* case is ongoing. The *Ntaganzwa* case is in the pre-trial phase. Two additional individuals indicted by the International Criminal Tribunal for Rwanda, Laurent Bucyibaruta and Wenceslas Munyeshyaka, have had their cases referred to France for trial. The *Bucyibaruta* case is still in the investigative phase. In October 2015, French investigative judges dismissed the *Munyeshyaka* case, and an appeal is pending before the *Chambre de l'instruction*.

52. During the reporting period, the Mechanism continued to monitor the cases referred to Rwanda with the assistance of five monitors from the Kenyan Section of the International Commission of Jurists, pursuant to a memorandum of understanding concluded with the Mechanism on 15 January 2015. An interim monitor has been monitoring the two cases referred to France. The public monitoring reports in all five cases are available on the Mechanism's website (www.unmict.org).

53. The Mechanism continues to monitor for any change of status in the *Vladimir Kovačević* case, which was referred by the International Tribunal for the Former Yugoslavia to Serbia in March 2007.

54. The Mechanism's activities in relation to cases referred to national jurisdictions are expected to continue for the duration of such cases.

VIII. Enforcement of sentences

55. In accordance with article 25 of the statute of the Mechanism, the President has assumed jurisdiction over enforcement issues related to the Mechanism and the two Tribunals, including the authority to designate the States in which convicted persons are to serve their sentence, to supervise the enforcement of sentences and to decide on requests for pardon or commutation of sentence.

56. The Mechanism relies on the cooperation of States for the enforcement of sentences. Sentences are served within the territory of Member States of the United Nations that have concluded enforcement-of-sentence agreements or indicated their willingness to accept convicted persons under any other arrangement. The agreements concluded by the United Nations for the two Tribunals remain in force

for the Mechanism. On 13 May 2016, a new agreement between the United Nations and the Government of Mali was signed, providing for the enforcement of sentences pronounced by either the International Criminal Tribunal for Rwanda or the Mechanism. The agreement, which reflects best practices in enforcement, is the first such framework agreement entered into since the commencement of the Mechanism. The Mechanism continues its efforts to secure additional agreements to increase its enforcement capacity for both branches and welcomes the cooperation of States in this regard.

57. As at 1 May 2016, 28 persons convicted by the International Criminal Tribunal for Rwanda are serving their sentences in either Mali (16) or Benin (12). Ten convicted persons are at the United Nations Detention Facility in Arusha, awaiting transfer to an enforcement State. The Mechanism has entered into agreements with the United Nations Development Programme (UNDP) in Mali and Benin with regard to the implementation of the existing agreements on enforcement of sentences. The Mechanism negotiated a similar agreement with UNDP in Senegal, which was executed in May 2016.

58. In addition, 18 persons convicted by the International Tribunal for the Former Yugoslavia are serving their sentences in nine States: Denmark (2), Estonia (3), Finland (2), France (1), Germany (5), Italy (1), Norway (1), Poland (2) and Sweden (1). No finally convicted persons are detained at the United Nations Detention Unit at the moment.

59. On 24 March 2016, the Mechanism arrested at its premises Florence Hartmann, who had been convicted by the International Tribunal for the Former Yugoslavia of contempt on 14 September 2009 and sentenced to a fine of €7,000. The conviction was affirmed by the Tribunal's Appeals Chamber on 19 July 2011. On 16 November 2011, the Appeals Chamber, in light of Ms. Hartmann's failure to pay the fine, converted her sentence to seven days' imprisonment. Following her arrest on United Nations premises, Ms. Hartmann was detained at the Detention Unit and was then granted early release on 29 March 2016.

60. The Mechanism has also been working, in coordination with national authorities, to address the recommendations of the relevant inspecting bodies charged with examining the conditions of detention in enforcement States. The Mechanism continues to make steady progress in Mali on implementing the recommendations of an independent prison management expert engaged by the Mechanism.

61. Throughout the reporting period, the Mechanism continued to closely monitor the security situation in Mali and received advice and reports from the Department of Safety and Security of the Secretariat and the designated security official in Mali.

62. The eight cells refurbished to international prison standards by the International Criminal Tribunal for Rwanda at a prison in Senegal have been handed over by the Tribunal to the Government of Senegal. The Mechanism is working with UNDP in Senegal on the final procurement of items required for the cells to be fully operational to enforce sentences.

63. It is expected that the supervision of the enforcement of sentences, carried out under the authority of the President, will be required in future bienniums until the last prison sentence has been served, unless the Security Council decides otherwise in accordance with rule 128 of the Rules of Procedure and Evidence. It is recalled that the longest sentence remaining to be served is life imprisonment.

IX. Relocation of acquitted and released persons

64. Following the delivery of the final judgment by the International Criminal Tribunal for Rwanda in the case of *Nyiramasuhuko et al.* in December 2015 and a subsequent decision granting early release, there are currently 14 acquitted and released persons awaiting relocation in Arusha. It continues to be a priority for the Mechanism to find sustainable solutions to the situation of these acquitted and released persons.

65. In line with the approach consistently followed to date of seeking consensual relocation outcomes, the Mechanism has engaged bilaterally over the reporting period with States that have indicated willingness to accept, in principle, one or more of these persons. It must nevertheless be acknowledged that, in view of the totality of experience to date and the numbers of individuals concerned, it appears increasingly unlikely that this approach will lead to a comprehensive solution for all individuals concerned within appropriate time frames. It may therefore become necessary in due course to consider, in consultation as appropriate with the Security Council and other relevant stakeholders, potential alternative approaches to this significant issue. In the meantime, the Mechanism remains grateful to the Security Council and the international community for their ongoing support of relocation efforts in order to resolve this longstanding humanitarian challenge which, with the passage of time, becomes increasingly urgent both for the persons concerned and for the Mechanism.

66. Given its mandate to operate as a small and lean institution, the Mechanism is limited in the amount of assistance it may provide to acquitted and released individuals. In view of this scope of responsibilities, the Mechanism is undertaking a process to review the level of support provided to acquitted and released persons with a view to achieving greater efficiencies and cost-effectiveness, as well as more comparable levels of support irrespective of the State in which such persons may have been released.

67. The Mechanism notes that this humanitarian challenge will subsist until such time as all acquitted and released individuals are appropriately relocated.

X. Archives and records

68. In accordance with article 27 of its statute, the Mechanism has responsibility for the management, including preservation and access, of the archives of the Mechanism and the two Tribunals. Pursuant to article 27 (2) of the statute, the archives of the two Tribunals are to be co-located with the respective branches of the Mechanism.

69. The archives of the Tribunals include materials concerning investigations, indictments and court proceedings; work relating to the detention of accused persons, the protection of witnesses and the enforcement of sentences; and documents from States, other law enforcement authorities, international and non-governmental organizations and the general public. The materials consist of documents, maps, photographs, audiovisual recordings and objects.

70. The Archives and Records Section of the Mechanism has been tasked with preserving these materials and facilitating the widest possible access to them, while

ensuring the continued protection of confidential information, including information concerning protected witnesses.

71. During the reporting period, the Archives and Records Section received the last transfer of inactive records from the International Criminal Tribunal for Rwanda and has continued to work in close cooperation with the Tribunal's liquidation team on the preparation and transfer of records that remain in active use by the liquidation team. Approximately 94 per cent of the Tribunal's physical records of long-term or permanent value designated for transfer to the Mechanism Registry have been received to date. This includes records in paper, audiovisual and artefact format. In addition, the transfer of all the Tribunal's digital records designated for retention by the Mechanism has been completed.

72. In The Hague, the International Tribunal for the Former Yugoslavia has transferred over 30 per cent of its anticipated volume of physical records to the Mechanism. Substantial quantities of records are still being prepared for transfer, and the training of managers and staff is ongoing. The additional repository assumed by the Archives and Records Section in the last reporting period is fully operational and provides an additional 1,450 linear metres of storage. Over 260 linear metres of records have been re-located and transferred to the repository since November 2015. The total amount of records in the Section's repositories is now over 1,000 linear metres.

73. The Archives and Records Section has further developed plans for moving the archives and library of the International Criminal Tribunal for Rwanda to the new premises in Arusha, and continues to provide technical advice and support in the implementation of the services required for the management and maintenance of the archives facility in the new premises. The Section has acquired and is implementing a digital preservation system, including a digital repository for the secure storage of digital records and archives.

74. In December 2015, the Mechanism launched a new public interface to access and search judicial records of the International Criminal Tribunal for Rwanda and the Mechanism on its website. Over 25,000 public judicial records are currently available and the Archives and Records Section continues to increase this number on a daily basis. In addition, the Section has facilitated on-demand access to over 750 public judicial records for external researchers during the reporting period. It also contributed to the development of the first online public exhibition of archives of the two Tribunals, which was launched on the Mechanism's website on 5 April 2016.

75. The Section continues to lead or contribute to the development of policies as well as record-keeping systems for the Mechanism in the interest of enhancing operational efficiency and effectiveness. Specifically, during the reporting period, significant support has been provided to the development and implementation of the database to be used for the management of all judicial records of the two Tribunals and the Mechanism.

76. As the archives are by definition records deemed to be of long-term to permanent value, their management will have to be ensured accordingly.

XI. Cooperation of States

77. Pursuant to article 28 of the statute of the Mechanism, States are required to cooperate in relation to the investigation and prosecution of persons covered under the Statute, as well as with orders and requests for assistance in relation to cases before the Mechanism. The Mechanism, like the two Tribunals, is dependent upon the cooperation of States.

78. The arrest and surrender of the remaining fugitives are a priority of the Mechanism. As described above, the Mechanism requires the full cooperation of States in relation to the ongoing fugitive-tracking operations being conducted by the Prosecutor, and it continues the practice of the International Criminal Tribunal for Rwanda by calling for the assistance of relevant States in this respect. As also described above, the Mechanism relies on the cooperation of States for the enforcement of sentences.

79. The Mechanism continues to promote communication and cooperation with the Governments of Rwanda and the States of the former Yugoslavia. During the reporting period, the Mechanism has continued to discuss areas of mutual interest with the authorities of Rwanda. Representatives of the Mechanism, including the President, have also engaged with government officials and met with victims groups from the States of the former Yugoslavia.

XII. Assistance to national jurisdictions

80. The Mechanism routinely receives requests from national authorities or parties to national proceedings for assistance in relation to domestic proceedings concerning individuals allegedly implicated in the genocide in Rwanda or the conflicts in the former Yugoslavia. Furthermore, during the reporting period, the Mechanism received and considered requests to vary the protective measures of witnesses and disclose their testimony and evidence (as discussed in section III above). Comprehensive information and guidance for those who wish to request assistance are available on the Mechanism's website.

81. The data concerning requests for assistance submitted to both branches of the Mechanism was centralized during the reporting period into one repository. The branches continue to exchange best practices for the development of policies and training programmes with a view to maximizing operational efficiencies and ensuring that the Mechanism provides effective assistance to national jurisdictions.

82. It is expected that these activities will continue for a considerable time over the next bienniums.

XIII. External relations

83. During the reporting period, a wide range of efforts was undertaken to increase the Mechanism's visibility and to make its work more accessible to audiences worldwide.

84. The External Relations Office at the Hague branch continued to support the Mechanism in strengthening public understanding of the Mechanism's mandate and

structure, including by providing presentations on those topics to individuals visiting the premises of the International Tribunal for the Former Yugoslavia and the Mechanism, disseminating timely information on significant Mechanism-related events (such as the beginning of the retrial in the *Stanišić and Simatović* case and the apprehension and transfer of one of the fugitives indicted by the International Criminal Tribunal for Rwanda), and producing additional information materials. At the same time, the Office monitored and provided regular briefings to the President and Registrar on relevant political developments both in Europe and in East Africa, as well as on significant developments in the field of international justice.

85. The External Relations Office also continued to expand and maintain the Mechanism's website, which has surpassed 200,000 page views, its reach growing exponentially over the reporting period. As noted above, an interactive online exhibition, the first of its kind, was launched in April 2016 and enables the general public to contextualize, access and understand the value of the archives under the Mechanism's custody. The exhibition has garnered over 2,700 page views since it was launched.

86. A wide variety of informational products were also published, both online and in print. Among these are materials profiling the Mechanism's key figures and cases. New web pages and leaflets were created, giving audiences a quick and easy way to access content outlining details of the Mechanism's essential functions.

87. The External Relations Office has also continued to ensure the transition of the website of the International Criminal Tribunal for Rwanda to the Mechanism's environment, so as to present it as a legacy website for generations to come. The Office continued its daily management of the website of the International Tribunal for the Former Yugoslavia, in addition to its work on the Mechanism's website.

88. The Mechanism continues to provide library services. The Arusha library, which is one of the premier international law research resources in East Africa, continues to be open to researchers and members of the public from the Great Lakes region and beyond. During the reporting period, over 480 persons, both internal and from various external organizations, visited and received presentations on the Mechanism library in Arusha. The library processed an average of 457 requests, including research requests and loans, on a monthly basis.

89. The latest edition of the *International Criminal Tribunal for Rwanda Special Bibliography* was issued in November 2015. It will continue to add value to the legacy of the International Criminal Tribunal for Rwanda by assisting Mechanism staff and researchers to identify relevant resources. Work is currently under way to prepare the 2016 edition of the *Special Bibliography*, which will include references to resources related to both the Tribunals.

XIV. Audit reports of the Office of Internal Oversight Services

90. During the reporting period, the Mechanism has continued to benefit from regular audits by the Office of Internal Oversight Services of the Secretariat and to implement recommendations of the Office. In December 2015, the Office officially closed two recommendations based on information submitted by the Mechanism during the previous reporting period.

91. The Mechanism also took steps in relation to the audit by the Office of Internal Oversight Services concerning the provision of assistance to national jurisdictions by the International Tribunal for the Former Yugoslavia and the Mechanism, issued in November 2015. The auditors found that the coordinating systems, comprehensive regulatory framework and the procedure for reviewing access to systems when staff members are transferred were satisfactory. Two recommendations were made that are currently under implementation by the Mechanism. The first of these pertained to the development of a consolidated, comprehensive database of requests for assistance; a prototype of this database has been developed and is being tested, and once approved will be rolled out. The second recommendation pertained to the encryption of material transmitted electronically to national authorities; the Registry is undertaking a wider review of transmission methods and expects to close the recommendation by October 2016.

92. A second audit report, issued during the reporting period in February 2016, concerned the construction of the new Mechanism facility in Arusha. The audit focused on the adequacy and effectiveness of the Mechanism's governance, risk management and control processes in providing reasonable assurance regarding effective management of the construction of the new facility. The overall results were assessed as "satisfactory". Two recommendations were made, and both were closed before the report was published.

XV. Conclusion

93. The Mechanism continues to adhere to the mandate established by the Security Council in resolution 1966 (2010). In achieving its goals, the Mechanism benefits from support from the International Tribunal for the Former Yugoslavia, the Office of Legal Affairs and the Department of Management of the Secretariat, the United Republic of Tanzania, the Netherlands, Rwanda and States of the former Yugoslavia, and from individual Member States of the United Nations. This support is crucial to the continued success of the Mechanism, which maintains its focus on carrying out its mandate in an efficient and cost-effective manner.

Enclosure

[Original: English and French]

Staff of the International Residual Mechanism for Criminal Tribunals[a]

A. Number of staff by branch and organ

Category	*Arusha branch*	*Hague branch*	*Office of the Prosecutor*	*Registry*[b]	*Mechanism overall*
All staff	155	168	59	264	323
Staff on continuous posts	108	56	26	138	164
Staff on general temporary assistance positions	47	112	33	126	159
International (Professional and Field Service)	82	87	44	125	169
Local (General Service)	73	81	15	139	154

[a] The data in the tables below represents the number of staff on board as at 1 May 2016. It does not represent the full complement of approved posts and general temporary assistance funding. Such information can be found in the Mechanism budget for the 2016-2017 biennium (A/70/378) and the General Assembly resolution thereon (70/243).

[b] Registry staff includes: Office of the President, Chambers (excluding judges), Immediate Office of the Registrar, Archives and Records Section, Witness Support and Protection Unit, United Nations Detention Unit and United Nations Detention Facility, Office of Legal Aid and Defence, Public Relations, Translation/language services, Certification project, Administration, and Security.

B. Geographical representation

	Number of staff			
	Arusha branch	*Hague branch*	*Mechanism overall*	*Mechanism overall (percentage)*
Number of nationalities represented	42	45	64	
All staff				
Africa	114	5	119	37
Asia-Pacific	10	19	29	9
Eastern Europe	5	37	42	13
Latin America and the Caribbean	1	3	4	1
Western European and other States	25	104	129	40
International staff (Professional and Field Service)				
Africa	41	3	44	26
Asia-Pacific	10	14	24	14
Eastern Europe	5	16	21	12
Latin America and the Caribbean	1	2	3	2
Western European and other States	25	52	77	46

	Number of staff			
	Arusha branch	*Hague branch*	*Mechanism overall*	*Mechanism overall (percentage)*
Local (General Service)				
Africa	73	2	75	49
Asia-Pacific	–	5	5	3
Eastern Europe	–	21	21	14
Latin America and the Caribbean	–	1	1	1
Western European and other States	–	52	52	34

States represented in the staff of the Mechanism

Africa: Benin, Burundi, Cameroon, Democratic Republic of the Congo, Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Mali, Niger, Nigeria, Rwanda, Senegal, South Africa, Sudan, Uganda, United Republic of Tanzania and Zimbabwe.

Asia-Pacific: Australia, China, Cyprus, Fiji, India, Indonesia, Lebanon, Malaysia, Nepal, New Zealand, Pakistan, Philippines, Republic of Korea and Turkey.

Eastern Europe: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Latvia, Poland, Romania, Russian Federation, Serbia, the former Yugoslav Republic of Macedonia and Ukraine.

Latin America and the Caribbean: Bolivia (Plurinational State of), Cuba, Dominican Republic and Jamaica.

Western European and other States: Austria, Belgium, Canada, Denmark, France, Germany, Greece, Ireland, Italy, Netherlands, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America.

C. Gender

	Number of staff			
	Arusha branch	*Hague branch*	*Mechanism overall*	*Mechanism overall (percentage)*
Professional staff (all levels)				
Male	25	27	52	41
Female	15	60	75	59
Professional staff (P-4 and above)				
Male	13	9	22	50
Female	3	19	22	50

Annex II

[Original: English and French]

Progress report of the Prosecutor of the International Residual Mechanism for Criminal Tribunals, Serge Brammertz, for the period from 16 November 2015 to 15 May 2016

I. Overview

1. The Prosecutor submits this eighth progress report pursuant to Security Council resolution 1966 (2010), covering developments between 16 November 2015 and 15 May 2016.

2. The reporting period marked the beginning of an intense period of trial and appeal work for the Office of the Prosecutor. Pre-trial proceedings in the *Stanišić and Simatović* case have now commenced, following the re-trial ordered by the Appeals Chamber of the International Tribunal for the Former Yugoslavia on 15 December 2015. The Office also commenced work on appeal proceedings in two cases (*Karadžić* and *Šešelj*) following the issuance of trial judgments by the Tribunal on 24 March and 31 March 2016, respectively. In addition to this trial and appeal activity in The Hague, the Office has been undertaking a high volume of case-related litigation at both branches. Finally, the Office continued its significant efforts to locate and arrest the eight remaining fugitives indicted by the International Criminal Tribunal for Rwanda.

3. The reporting period also marked the beginning of a significant new effort to further streamline operations and reduce costs by effectively integrating the staff and resources of the Office of the Prosecutor of the Mechanism with those of the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia. Since 1 March 2016, the two Offices have been implementing a "one office" approach that will allow staff and resources to be flexibly deployed across both institutions in "double-hatting" arrangements as and when needed based on operational requirements, in accordance with the Security Council's directions set forth in resolution 1966 (2010). Flexible management of all Prosecution staff and resources during the remaining period of co-existence between the Mechanism and the International Tribunal for the Former Yugoslavia is expected to yield some overall cost savings (for example, by reducing recruitment exercises) while also significantly improving the capacity of the two Offices to respond to any new developments within existing resources. The "one office" approach also provides an important tool to address the ongoing impact of staff attrition.

4. During the reporting period, the Office of the Prosecutor focused on three priorities: (a) locating and arresting fugitives; (b) the expeditious completion of trials and appeals; and (c) assistance to national jurisdictions. The Office continues to rely on the full cooperation of States to successfully carry out its mandate in these areas. During the reporting period, the Prosecutor visited: (a) Kigali, on 20 and 21 April 2016 to discuss cooperation with the Minister of Justice, the Prosecutor General and the Chief Justice of the Supreme Court; (b) Zagreb, on 28 and 29 April 2016 to discuss cooperation with the Minister for Foreign Affairs, the Minister of Justice and the State Attorney; and (c) Sarajevo on 12 and 13 May 2016 to discuss cooperation with the Presidency, the Minister of

Justice, the Chief Prosecutor and the President of the State Court. The Prosecutor also visited Dar es Salaam, United Republic of Tanzania, from 11 to 13 April 2016 to discuss cooperation and support provided by the host State with the Vice President, the Minister for Foreign Affairs, the Minister of Justice, the Chief Justice of the Supreme Court and the Chief Secretary to the President. The Prosecutor will visit Paris on 18 May 2016 to discuss referred cases with relevant interlocutors.

II. Fugitives

5. On 9 December 2015, Ladislas Ntaganzwa, one of the nine remaining fugitives indicted by the International Criminal Tribunal for Rwanda, was located and arrested by the authorities of the Democratic Republic of the Congo acting on an international arrest warrant issued by the Mechanism. On 20 March 2016, Ntaganzwa was successfully transferred to Rwanda, where he will now be brought to trial. The Office of the Prosecutor welcomes the positive assistance and cooperation provided by the Democratic Republic of the Congo, as well as the personal involvement of the Minister of Justice in this matter.

6. With the arrest and transfer of Ntaganzwa, eight fugitives indicted by the Tribunal for Rwanda remain at large. During the reporting period, the Office of the Prosecutor continued its efforts to locate and arrest the three fugitives whose cases will be tried by the Mechanism. Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. The Office also continued to search for information on the whereabouts of the five fugitives who are currently expected to be brought to trial in Rwanda following their arrest: Fulgence Kayishema, Charles Sikubwabo, Aloys Ndimbati, Ryandikayo and Phénéas Munyarugarama.

7. The Office of the Prosecutor is presently focused on reviewing existing leads to determine whether they should be further pursued or closed, and has begun identifying potential new leads to be followed up in the coming months. The Office maintained its public communication efforts. The Office is further conducting an overall review of its tracking efforts to date to ensure that appropriate priorities are in place and that tracking operations are directed to achieving those priorities. As part of this review, the Prosecutor has redeployed resources, from within existing capacity, to further support tracking efforts. This will enable the staff of the tracking team to more fully focus their efforts on identifying and developing new leads, while also improving the Office's ability to identify support networks and freeze financial assets.

8. State cooperation will be essential to successfully track and arrest the remaining fugitives. In particular, the Office of the Prosecutor must rely on the cooperation of State authorities to conduct arrest operations. The Prosecutor and staff will seek to visit relevant African and European States in the second half of the year to discuss support for the Office's efforts to track fugitives and future cooperation in conducting arrests. At the same time, the Office notes that incentives, and potentially sanctions, play an important role in ensuring cooperation. The Office is grateful for the continued support of programmes such as the War Crimes Rewards Program, which has led to the arrest and transfer of fugitives to the two Tribunals. The Office of the Prosecutor hopes that the international community will also consider how it can provide incentives for States to cooperate as well.

III. Trials and Appeals

A. Overview

9. During the reporting period, the Office of the Prosecutor commenced its first trial and appeals proceedings arising out of cases transferred from the International Tribunal for the Former Yugoslavia pursuant to the Mechanism statute and transitional arrangements. At The Hague, the Office will be undertaking one trial (*Stanišić and Simatović*) and two appeals (*Karadžić* and *Šešelj*). This ad hoc judicial activity is temporary in nature. It is expected that the Office will further conduct appeal proceedings, if any, in the *Mladić* case following the anticipated rendering of the trial judgment in November 2017.

10. The Office of the Prosecutor is committed to exploring all reasonable measures within its control to expedite the completion of these trial and appeal proceedings, while recognizing that ultimately it is for the respective Chambers to manage the proceedings and set appropriate deadlines for the parties and themselves. The Office looks forward to receiving projections from the Chambers as to the expected timelines for the ongoing cases.

B. Update on the progress of trials

11. On 15 December 2015, the Appeals Chamber partially granted the appeal of the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia in the *Stanišić and Simatović* case, revoked the Trial Chamber's judgment and ordered the case to be retried on all counts. Pursuant to the Mechanism statute and transitional arrangements, this retrial is being conducted by the Mechanism.

12. The Office of the Prosecutor has commenced intensive pre-trial preparations in this case, including identifying potential key issues for the re-trial, contacting witnesses and organizing documentary evidence. Access to evidence and witnesses from Bosnia and Herzegovina, Croatia and Serbia remains essential for the Office to expeditiously and effectively present its case. The Office expects the full cooperation of these States with its requests for assistance.

13. The Pre-Trial Chamber has not yet made a decision on the opening date for the re-trial, but one is expected soon. At the status conference held in February 2016, the Office of the Prosecutor proposed that the re-trial commence in October 2016, while the defence proposed February or March 2017. The parties are also awaiting the workplan from the Pre-Trial Judge, which will address critical issues bearing on the expected commencement date, including the manner in which evidence will be presented and deadlines for important filings such as pre-trial briefs and witness lists.

C. Update on the progress of appeals

14. On 24 March 2016, the Trial Chamber of the International Tribunal for the Former Yugoslavia unanimously convicted Radovan Karadžić for genocide, crimes against humanity and war crimes, and sentenced him to a term of imprisonment of 40 years. The defence has indicated that it will file an appeal. The Office of the

Prosecutor is currently reviewing the trial judgment to determine whether there are grounds for appeal. At the request of the defence, the Pre-Appeal Judge of the Mechanism granted an extension of 60 days for the filing of notices of appeal in this case, which are thus now due no later than 22 June 2016.

15. On 31 March 2016, the Trial Chamber of the International Tribunal for the Former Yugoslavia, by majority, acquitted Vojislav Šešelj on all counts of the indictment. The Office of the Prosecutor announced its intention to appeal the judgment in a public statement on 6 April 2016, and filed its notice of appeal on 2 May 2016. In its notice of appeal, the Office put forward two grounds of appeal. The first avers that the Trial Chamber erred in law by failing to deliver a reasoned judgment, as the Trial Chamber failed to provide sufficient reasons for key conclusions, failed to address Prosecution arguments and clearly relevant evidence, failed to adjudicate essential issues in the case, and did not explain the substantive law it applied. The second argues that the Trial Chamber erred in fact by acquitting the accused, as no reasonable trial chamber could have found, on the basis of the entirety of the evidence, the accused not guilty of all of the charges. The Office contends that the Appeals Chamber should correct these errors.

D. State cooperation with the Office of the Prosecutor

16. The Office of the Prosecutor continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 28 of the Mechanism statute. The Office's access to documents, archives and witnesses is critical for ongoing Mechanism trial and appeal proceedings.

17. During the reporting period, cooperation by Serbia, Croatia, Bosnia and Herzegovina and Rwanda with the Office of the Prosecutor remained satisfactory. The Office anticipates that it will require assistance in relation to ongoing trial and appeal proceedings, including the provision of evidence and access to witnesses. The Office fully expects that its requests for assistance will be promptly and adequately processed.

IV. National War Crimes Prosecutions

A. Monitoring of referred cases

18. Five cases referred by the Mechanism under rule 14 or by the International Criminal Tribunal for Rwanda under rule 11 *bis* are currently being processed in the national courts of France and Rwanda. The cases against Wenceslas Munyeshyaka and Laurent Bucyibaruta were referred to France in 2007, and have not yet been completed. The cases against Jean Uwinkindi, Bernard Munyagishari and Ladislas Ntaganzwa were referred to Rwanda in 2012 and 2013, and proceedings are ongoing.

1. Cases referred to France

19. Wenceslas Munyeshyaka, an ordained Catholic priest, was indicted by the International Criminal Tribunal for Rwanda in July 2005 on four counts of genocide, rape as a crime against humanity, extermination as a crime against

humanity and murder as a crime against humanity. As previously reported, the investigation by the authorities of France in the *Munyeshyaka* case has not successfully resulted in these charges being brought against the suspect. On the recommendation of the Paris Public Prosecutor, the *Juge d'instruction* on 2 October 2015 confirmed the *non-lieu* dismissal of the case. Civil parties have appealed the ruling, and a decision on the appeal is expected in the near future.

20. Laurent Bucyibaruta, *préfet* of Gikongoro Prefecture, was indicted by the International Criminal Tribunal for Rwanda in June 2005 on six counts of direct and public incitement to commit genocide, genocide, complicity in genocide, extermination as a crime against humanity, murder as a crime against humanity and rape as a crime against humanity. The investigation by the authorities of France remains under way. Based on available information, it is understood that investigations are expected to be completed in the near future.

21. During the Prosecutor's visit to Kigali, the authorities of Rwanda expressed their significant concern with the status of the two cases referred to France. The Prosecutor committed to raise the status of these cases with the relevant authorities in France and obtain their assessment of the work and the challenges that must be surmounted. He is scheduled to visit Paris on 18 May 2016 for this purpose.

2. Cases referred to Rwanda

22. Jean Uwinkindi, a pastor in the Pentecostal Church, was indicted by the International Criminal Tribunal for Rwanda in September 2001 on three counts of genocide, conspiracy to commit genocide and extermination as a crime against humanity. He was transferred to Rwanda for trial on 19 April 2012, and the trial commenced on 14 May 2012. On 30 December 2015, the High Court issued its trial judgment, convicting Mr. Uwinkindi and sentencing him to life imprisonment. The defence will now have the opportunity to appeal that judgment.

23. Separately, in litigation before the Mechanism, the Office of the Prosecutor is opposing Uwinkindi's request to revoke the referral of his case to Rwanda. The Trial Chamber denied this request on 22 October 2015. Proceedings on the defence's appeal against the Trial Chamber's decision are now under way.

24. Bernard Munyagishari, a local leader in the *Mouvement Révolutionaire National pour le Développement* party, was indicted by the International Criminal Tribunal for Rwanda in September 2005 on five counts of conspiracy to commit genocide, genocide, complicity in genocide, murder as a crime against humanity and rape as a crime against humanity. He was transferred to Rwanda for trial on 24 July 2013. His case remains in the pre-trial phase, with a number of recent delays attributable to ongoing disputes and litigation regarding assigned defence counsel.

25. Ladislas Ntaganzwa, *bourgmestre* of Nyakizu *Commune*, was indicted by the International Criminal Tribunal for Rwanda in June 1996, with the amended indictment charging him with five counts of genocide, direct and public incitement to commit genocide, extermination as a crime against humanity, murder as a crime against humanity and rape as a crime against humanity. He was transferred to Rwanda for trial on 20 March 2016.

26. Both Mr. Uwinkindi and Mr. Munyagishari have brought substantial litigation before the Mechanism while the main proceedings are under way in Rwandan courts against them. Both referred persons have repeatedly requested the Mechanism to

revoke their referrals or stay the Rwandan proceedings, which have been consistently denied. In litigation before the Mechanism, both have made extensive, detailed submissions on technical case-related matters that are under the competence of the Rwandan judiciary and authorities, such as the timing of pleadings, funding for defence counsel and conditions of detention.

B. Assistance to national jurisdictions

27. With the closure of the International Criminal Tribunal for Rwanda and the nearing completion of the mandate of the International Tribunal for the Former Yugoslavia, further accountability for crimes committed in Rwanda and the former Yugoslavia now depend on national justice sectors. In the affected countries, the effective prosecution of the crimes committed is fundamental to build and sustain the rule of law, establish the truth of what occurred and promote reconciliation. Third-party states are also undertaking prosecutions against suspects who are present in their territory for crimes committed in Rwanda and the former Yugoslavia. National justice is now essential to achieve greater justice for the victims of horrific atrocities.

28. The Office of the Prosecutor places a high priority on monitoring, supporting and advising national judicial authorities prosecuting war crimes cases arising out of the conflicts in Rwanda and the former Yugoslavia. The Office possesses invaluable evidence and expertise that can greatly benefit national justice efforts. The Yugoslavia-related evidence collection comprises more than 9 million pages of documents and thousands of hours of audio and video records, most of which were not introduced into evidence in any proceedings of the International Tribunal for the Former Yugoslavia and thus are only available from the Office of the Prosecutor. The Rwanda-related evidence collection comprises more than 1 million pages of documents.

29. During the reporting period, the Office of the Prosecutor of the Mechanism continued to receive a high volume of requests for assistance from national judiciaries and international organizations. The Office is responsible for requests for assistance in relation to cases completed by the two Tribunals, while the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia retains responsibility for requests for assistance in relation to ongoing cases before that Tribunal. For ease of reporting, information is provided below on the total number of requests for assistance received by both Offices.

30. In relation to the former Yugoslavia, the Office of the Prosecutor received 128 requests for assistance from six Member States and two international organizations; 99 requests for assistance were submitted by authorities in Bosnia and Herzegovina, 9 were from Serbia and 12 were from Croatia. In addition, the Office filed submissions in relation to 15 requests for variation of witness protective measures, all of which concerned proceedings in Bosnia and Herzegovina.

31. In relation to Rwanda, the Office of the Prosecutor received 11 requests for assistance from four Member States and one international organization. None of the requests for assistance were submitted by authorities in Rwanda. In addition, the Office filed submissions in relation to one request for variation of witness protective measures, which concerned a proceeding in France.

32. Following the arrest of Ladislas Ntaganzwa, the Office of the Prosecutor continued to provide assistance to the authorities of Rwanda in preparation for this trial. As the Prosecutor confirmed to the Prosecutor-General of Rwanda, the Office is committed to supporting prosecutors in Rwanda in successfully conducting this case, and will endeavour to assist in providing evidence and case-specific expertise when requested. The Office also continued to provide support to authorities in Rwanda in locating the five fugitives indicted by the International Criminal Tribunal for Rwanda whose cases have been transferred to Rwanda for prosecution.

C. Capacity-building

33. During the reporting period, the Office of the Prosecutor continued its efforts, within existing resources, to build capacity in national judiciaries prosecuting war crimes. The Office continued to participate, subject to operational requirements, in training programmes for personnel working on war crimes cases.

34. As a follow-up to training for national prosecutors in the former Yugoslavia on drafting motions to vary witness protection measures, the Office requested and obtained public redacted versions of a number of relevant decisions. These decisions have now been shared with national prosecutors to assist them in preparing their motions.

35. During his visits to Dar es Salaam and Kigali, the Prosecutor discussed with interlocutors the need to improve the capacity of national judiciaries to prosecute war crimes. Officials in both countries responded very positively. Discussions will continue to identify how national judiciaries in the region can benefit from the Office of the Prosecutor's legacy to further improve their capacity.

V. Other residual functions

36. During the reporting period, the Office of the Prosecutor continued to perform its responsibilities in respect of other residual functions.

37. As previously reported, the volume of non-trial and appeal litigation in the Mechanism continues to be higher than previously expected. One noticeable trend has been the many attempts by convicted persons to obtain review and ultimately revocation of their convictions entered by the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia. These defence efforts generate extensive litigation in seeking access to evidence or the files of other cases in order to identify "new" evidence in support of a review motion, and to the review motions themselves. The Office must carefully monitor and respond to such motions in order to ensure the integrity of the convictions previously obtained.

38. The Office of the Prosecutor also continued to make submissions when invited in relation to the enforcement of sentences of persons convicted by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, particularly on requests by convicted persons for early release.

39. During the reporting period, the Office of the Prosecutor completed the process of assuming responsibility for all active records and evidence collection of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda. The

electronic evidence database, the network drives and the vault containing the physical evidence and material of the Office of the Prosecutor of that Tribunal are now fully managed by the Office of the Prosecutor of the Mechanism. In the coming months, the received files will be processed and relevant policies will be applied.

VI. Management

A. Overview

40. The Office of the Prosecutor is committed to managing its staff and resources in line with the Security Council's instructions that the Mechanism should be a small, temporary and efficient structure.

41. An important development in this respect was the implementation during the reporting period of the "one office" approach to integrate the staff and resources of the Offices of the Prosecutor of the Mechanism and that of the International Tribunal for the Former Yugoslavia. Under this policy, all prosecution staff will now be available to "double-hat" so they can be flexibly assigned to work related to either the Mechanism or the Tribunal depending on operational requirements and their case-related knowledge. Resources of both Offices will also be flexibly deployed where needed. The Prosecutor has further integrated the management teams in order to best support him in carrying out the responsibilities of both institutions.

42. The "one office" approach has already generated efficiencies and overall cost savings. For example, following the judgment of the Appeals Chamber of the International Tribunal for the Former Yugoslavia in December 2015 ordering a retrial in the *Stanišić and Simatović* case, the Office was able to reassign existing staff of both the Mechanism and the Tribunal with case-specific knowledge to the pre-trial work in this case. By reassigning existing staff, without conducting recruitment exercises, the Office of the Prosecutor was able to prevent possible delays in commencing the necessary work. Moreover, as this reassignment has so far been absorbed within existing resources, the Office was able to respond to this unforeseen development while reducing overall costs. In addition, the Mechanism Office of the Prosecutor was able, within existing resources, to provide significant support to the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia in the *Karadžić* and *Mladić* cases.

43. During the reporting period, the Office of the Prosecutor began an intense period of case activity with one trial (*Stanišić and Simatović*) and two appeals (*Karadžić* and *Šešelj*). Consistent with the Security Council's instruction, the Office successfully utilized rosters of qualified staff with experience at the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia to quickly recruit the necessary staff for the two appeals, while, as noted, staffing for the trial has been temporarily drawn from the existing resources of the Offices of the Prosecutor of the Mechanism and the Tribunal. These steps have enabled the Office to promptly and efficiently begin its preparations and commence its work on these cases.

44. The Office of the Prosecutor notes the projections for the duration of Mechanism functions prepared by the Mechanism President and provided in his

report. In relation to trial and appeal activities, the Office is committed to continuing to meet all deadlines imposed, and will further endeavour to explore all reasonable options within its control to expedite the completion of this work.

B. Audit reports

45. In its audit report 2015/137 dated 10 November 2015 on assistance to national jurisdictions, the Office of Internal Oversight Services recommended that the Office of the Prosecutor, in conjunction with the Information Technology Services Section and the Mechanism Archives and Records Section, should develop a consolidated, comprehensive database for managing requests for assistance received from national jurisdictions. The Mechanism accepted this recommendation. A prototype solution has been developed and is being tested. The Office continues to liaise with the Information Technology Services Section and the Mechanism Archives and Records Section to move the project forward.

VII. Conclusion

46. The reporting period saw the commencement of one trial and two appeals before the Mechanism, both of which were transferred from the Tribunal for the Former Yugoslavia in accordance with the statute of the Mechanism and the transitional arrangements. The Office of the Prosecutor quickly commenced its work on these cases in a cost-efficient manner, utilizing the roster and "double-hatting" arrangements prescribed by the Security Council. The Office will continue to allocate and manage its resources flexibly in order to comply with all imposed deadlines.

47. Efforts to locate and arrest the remaining eight fugitives indicted by the International Criminal Tribunal for Rwanda continued. The Office of the Prosecutor is further conducting an overall review of its tracking efforts to date in order to ensure that appropriate priorities are in place and that tracking operations are directed to achieving those priorities. State cooperation will be essential to successfully locate and arrest the remaining fugitives.

48. In all of its endeavours, the Office of the Prosecutor relies upon the support of the international community and especially of the Security Council.

United Nations S/2016/454

Security Council

Distr.: General
17 May 2016

Original: English

Letter dated 17 May 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I would be grateful if you could transmit the present letter and its annexes to the members of the Security Council.

(*Signed*) Carmel **Agius**
President

16-07979 (E) 270516

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Annex I

[Original: English and French]

Assessment and report of Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) covering the period from 17 November 2015 to 17 May 2016

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1. The present report is submitted pursuant to Security Council resolution 1534 (2004), adopted on 26 March 2004, in which the Security Council, in paragraph 6 of the resolution, requested the International Criminal Tribunal for the Former Yugoslavia to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures have been taken to implement the completion strategy.[1]

2. The report also includes a summary of the measures that the Tribunal continues to undertake to complete the smooth transition to the International Residual Mechanism for Criminal Tribunals.

I. Introduction

3. The Tribunal made significant progress in completing its work during the reporting period, delivering judgments in the appeal case of *Prosecutor v. Jovica Stanišić and Franko Simatović* ("*Stanišić and Simatović* case") and both the trial cases of *Prosecutor v. Radovan Karadžić* ("*Karadžić* case") and *Prosecutor v. Vojislav Šešelj* ("*Šešelj* case"). In addition, on 14 December 2015, the judges of the Appeals Chamber delivered the final judgment in the largest appeal case ever adjudicated by the International Criminal Tribunal for Rwanda, namely the *Nyiramasuhuko et al.* case ("*Butare* case").

4. At the close of the reporting period, two trial cases, involving two individuals, and two appeal cases, involving eight individuals, were ongoing. Judgment in one of the appeal cases is expected to be rendered by the end of June 2016.

5. The Tribunal has to date concluded proceedings against 151 of the 161 individuals it has indicted, and has concluded contempt proceedings against 25 persons. Following the arrests of Ratko Mladić and Goran Hadžić in 2011, there are no outstanding Tribunal fugitives charged with serious violations of international humanitarian law. In a pending contempt case, however, there are currently three Tribunal indictees whose arrest warrants are yet to be executed: Petar Jojić, Jovo Ostojić and Vjerica Radeta. Further details are provided below.

6. The Tribunal continues to implement its completion strategy and to make every effort to meet its targets and the forecast judgment delivery dates. While limited delays caused slippage in two trials, as previously reported, judgments in both cases were delivered in March 2016 in line with the dates forecast in the previous report (S/2015/874). These delays were the result of a number of factors, most prominently staff attrition and health problems of the accused, as well as

[1] The present report should be read in conjunction with the previous 24 reports submitted pursuant to Security Council Resolution 1534 (2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 14 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006; S/2007/283 of 16 May 2007; S/2007/663 of 12 November 2007; S/2008/326 of 14 May 2008; S/2008/729 of 24 November 2008; S/2009/252 of 18 May 2009; S/2009/589 of 13 November 2009; S/2010/270 of 1 June 2010; S/2010/588 of 19 November 2010; S/2011/316 of 18 May 2011; S/2011/716 of 16 November 2011; S/2012/354 of 23 May 2012; S/2012/847 of 19 November 2012; S/2013/308 of 23 May 2013; S/2013/678 of 18 November 2013; S/2014/351 of 16 May 2014; S/2014/827 of 19 November 2014; S/2015/342 of 15 May 2015; and S/2015/874 of 16 November 2015. Except where otherwise noted, the report contains data accurate as at 17 May 2016.

certain other case-specific factors. In addition, a further trial case has been stayed indefinitely owing to the health condition of the accused. However, the Tribunal assures the Security Council that its judicial work will be completed by the end of 2017. In the meantime, the judges are doing their utmost to identify measures to expedite the pending cases.

7. The Tribunal continues to downsize, while ensuring that remaining trials and appeals are fully supported. Following the delivery of appeal judgments in the *Stanišić and Simatović* case and *Butare* case, the terms of office of three judges of the Appeals Chamber came to an end. A further 6 judges departed the Tribunal after the conclusion of the *Karadžić* case and *Šešelj* case, leaving a total of 11 judges. After June 2016, only 10 judges will remain. In line with existing downsizing plans, staff members assigned to these cases either departed the Tribunal following the delivery of judgment or were reassigned to other cases.

8. The Registry of the Tribunal continues to provide full support to the Tribunal's judicial activities and to ensure the smooth transition of residual functions to the Mechanism in compliance with Security Council resolution 1966 (2010), including through the ongoing review and preparation of records for transfer to the Mechanism.

II. Implementation of the completion strategy

9. The Tribunal is firmly committed to ensuring its efficient and orderly closure by the end of 2017. Furthermore, it remains committed to concluding all judicial work expeditiously, while ensuring that trials and appeals are conducted in a manner consistent with fundamental principles of due process and fairness. To that end, the Tribunal continues to implement measures including: providing teams with additional staff resources as needed; reassigning staff from concluded cases to ongoing cases; maintaining rosters of qualified applicants to ensure that departing staff are replaced promptly; requesting flexibility in applying United Nations staff regulations that could lead to delays in staff recruitment and retention; and offering promotions as a means of boosting staff members' morale and discouraging attrition. In addition, the Trial and Appeals Schedule Working Group of the Tribunal, chaired by the Vice-President of the Tribunal, meets regularly to monitor and report on the progress of trials and appeals, to ensure that cases are kept on track, and to identify potential causes of delay and measures to alleviate such delay.

10. In accordance with Security Council resolution 2256 (2015), during the reporting period the Tribunal was subject to an evaluation of its methods and work by the Office of Internal Oversight Services (OIOS). The Tribunal granted its fullest cooperation and, on 11 May 2016, submitted its formal response to the report prepared by OIOS. The Tribunal will report on the implementation of any OIOS recommendations in its next six-monthly assessment.

11. As previously reported, the most critical challenge faced by the Tribunal in completing its work is staff attrition. This problem has continued unabated during the current reporting period, with experienced staff leaving to take up more secure employment opportunities. While new staff members are recruited as quickly as possible, they inevitably require significant amounts of time to familiarize themselves with the voluminous case records and the working methods of the Tribunal. The situation is expected to become acute as the Tribunal approaches the

end of its mandate. Indeed, the loss of experienced staff members, who have institutional and case-specific knowledge, will be particularly damaging in the final year of the Tribunal and could possibly jeopardize its ability to complete all judicial work on time.

12. The Tribunal has repeatedly warned about the potential impact of staff attrition in previous completion strategy reports. It has also previously reported on its proposal to address this challenge through the adoption of an International Civil Service Commission-endorsed end-of-service grant, which would provide a payment to staff members who remained at the Tribunal until their positions were eventually downsized.[2] The grant was planned after discussions with the Tribunal's Staff Union and would have been particularly effective in providing mid-and senior-level Chambers staff with the financial stability and security they need to remain at the Tribunal until the completion of their cases. While the Advisory Committee on Administrative and Budgetary Questions accepted the business case for an end-of-service grant, the idea was unfortunately rejected by the Fifth Committee of the General Assembly.

13. The Tribunal hopes that now, given that the institution is in its final stages and that staff numbers will be minimal, this suggestion might be reconsidered. The Tribunal strongly believes that, unless it is assisted in introducing financial incentives for staff members to stay until the end of their contracts, the continued departure of staff — particularly at the middle and senior levels — will have a significant detrimental impact on the Tribunal's ability to complete its remaining cases on schedule.

14. The Tribunal acknowledges with gratitude the generous offer of Chambers support received from China. Notwithstanding this valuable assistance, the problem of staff attrition will remain acute unless a comprehensive solution is found. The Tribunal therefore encourages other States to also lend their support in any way possible.

15. To provide a more thorough overview of the challenges faced by the Tribunal in individual cases and of the Tribunal's progress in completing its work, summaries of its ongoing trials and appeals, together with the recently completed cases, are provided below.

A. Trial proceedings

16. In the *Karadžić* case, the accused was charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war. On 24 March 2016, the Trial Chamber issued the trial judgment. The Trial Chamber found the accused not guilty of one count of genocide pertaining to seven municipalities in Bosnia and Herzegovina. The Trial Chamber found the accused guilty of the remaining 10 counts, namely genocide in Srebrenica, persecution, extermination, murder, deportation, and forcible transfer, all crimes against humanity, as well as murder, terror, unlawful attacks on civilians, and hostage taking, all violations of the

[2] See, for example, S/2011/716 of 16 November 2011, pp. 12-13; S/2012/354 of 23 May 2012, p. 11; S/2012/847 of 19 November 2012, p. 10; S/2013/308 of 23 May 2013, p. 11; and S/2013/678 of 18 November 2013, pp. 7-8.

laws or customs of war. The Trial Chamber sentenced the accused to a single sentence of 40 years of imprisonment.

17. In the *Šešelj* case, the trial judgment was rendered on 31 March 2016. The accused had faced nine counts: three for crimes against humanity (persecution, deportation and inhumane acts of forcible transfer) and six for war crimes (murder, torture and cruel treatment, wanton destruction, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property). He was accused of having directly committed, incited, aided and abetted those crimes committed by Serbian forces during the period from August 1991 until September 1993, and to have been part of their commission through his participation in a joint criminal enterprise. Vojislav Šešelj was acquitted of all charges, with a majority decision on eight counts and a unanimous decision on one count.

18. In the case of *Prosecutor v. Goran Hadžić*, the accused is charged with 14 counts of crimes against humanity and violations of the laws or customs of war. It has previously been reported that the trial judgment is expected in October 2016, 10 months later than originally anticipated.

19. It has also been reported that the defence case commenced on 3 July 2014, but that the trial has been adjourned since 20 October 2014 owing to Mr. Hadžić's grave health condition. Further medical examinations of Mr. Hadžić were conducted in May, June and July 2015, and hearings were held with medical experts in July and August 2015, to determine whether the accused was fit to stand trial. Following these hearings, the parties made further submissions on Mr. Hadžić's fitness to stand trial and whether the trial should continue. On 26 October 2015, the Trial Chamber found, by majority decision, that the accused was fit to stand trial but decided to stay the proceedings for an initial, renewable period of three months and to continue his provisional release. The Prosecution appealed that decision and, on 4 March 2016, the Appeals Chamber granted the appeal in part. The Appeals Chamber invited, inter alia, the Trial Chamber to reassess the accused's fitness to stand trial on the basis of the available and updated medical records. Throughout this entire period, the Trial Chamber had been receiving regular updates on Mr. Hadžić's medical condition, and continues to do so. On 24 March 2016 (with a public redacted version filed on 5 April 2016), the Trial Chamber issued its Decision on Remand on the Continuation of Proceedings, in which it found, by majority decision, that the accused was unfit to stand trial and stayed the proceedings indefinitely. The decision of 24 March 2016 has not been appealed by either party.

20. In the light of Mr. Hadžić's condition, which appears to be significantly deteriorating, and the decision to stay the proceedings indefinitely, it is more likely than not that the accused will not be fit to stand trial again. The Trial Chamber has indicated that it cannot give any precise assessment on the date of the completion of the proceedings in this case. The President of the Tribunal is monitoring the situation, and arrangements have been made for one of the judges of the Trial Chamber to take up his duties as a judge of the International Criminal Court solely under its remuneration scheme, while remaining available for any residual matters in the *Hadžić* case. Given the circumstances, the President is also actively involved in reviewing the status quo as regards the other two judges on the case.

21. In the case of *Prosecutor v. Ratko Mladić* ("*Mladić* case"), the accused is charged with 11 counts of genocide, crimes against humanity, and violations of the

laws or customs of war. As indicated in previous reports, the trial judgment is expected in November 2017. Additional staff resources have been assigned in order to ensure that this deadline can be met. However, as the Tribunal nears the end of its mandate, highly qualified staff members continue to leave the Tribunal for more secure employment elsewhere. It will thus be an increasing challenge to maintain continuity of core staff, which is of utmost importance in a case of such size and complexity.

22. In the contempt case of *Petar Jojić et al.*, the accused are charged with four counts of contempt of court in relation to alleged witness intimidation in the *Šešelj* case. The initial order in lieu of indictment was issued on 30 October 2012 and on the same day an amicus curiae prosecutor was directed to prosecute the case. Arrest warrants have been pending since 19 January 2015. The proceedings in this case were confidential until 1 December 2015, which is why the case has not been included in previous reports. It is not possible to estimate the exact length of the case until Serbia has executed the arrest warrants and the pretrial phase can start.[3] In this respect, the Tribunal calls upon Serbia to fulfil its duties under article 29 of the statute of the Tribunal. However, if the arrest warrants are not executed soon, it may become necessary for the Security Council to urgently discuss a solution that would allow this case to be finalized before November 2017.

B. Appeal proceedings

23. The appeal judgment in the *Stanišić and Simatović* case was pronounced on 15 December 2015. The Appeals Chamber, by majority decision, granted certain grounds of appeal lodged by the Prosecution and ordered that Jovica Stanišić and Franko Simatović be retried on all counts of the indictment. The retrial will be conducted by the Mechanism.

24. In addition, as noted above, on 14 December 2015, the Appeals Chamber of the Tribunal, on which the judges of the Tribunal also sit, delivered its judgment in the *Butare* case, being the Tribunal's final and largest-ever appeal case.

25. In the case of *Prosecutor v. Jadranko Prlić et al.*, the projected time frame for delivery of the appeal judgment remains November 2017, as indicated in previous reports. This is the most voluminous appellate case in the history of the Tribunal, with seven appeals (one by each of the six defendants, as well as the prosecution), 172 grounds of appeal, and 12,196 pages of appellate submissions dealing with a trial judgment of more than 2,000 pages. It will be a challenge to meet the projected time frame with no slippage whatsoever, yet the Appeals Chamber remains committed to completing the case by November 2017. While the deployment of additional experienced staff on a staggered basis with the completion of other cases had to be postponed owing to delays in those cases, the drafting of the preparatory document analysing the parties' appellate submissions is on track. Measures were taken to increase the number of staff assigned to this case and to have a core leadership of the team that includes staff members with extensive experience in working on voluminous appellate cases. However, as with the *Mladić* case, it will become increasingly difficult to maintain the continuity of core staff as the

[3] The Tribunal notes, however, that contempt cases take considerably less time than other trials, with an average length of approximately 208.5 days between the date of initial appearance and date of trial judgment.

Tribunal's mandate draws to a close. The loss of experienced staff in such a complex and voluminous case will present significant challenges.

26. In the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, the appeal hearing was held on 16 December 2015. The projected time frame for the delivery of the appeal judgment remains unchanged and the appeal judgment is expected at the end of June 2016.

III. Judicial support and administration activities

A. Support for core judicial activities

27. The key priority of the Registry during the reporting period continued to be providing full support to the Tribunal's judicial activities, thereby assisting the Tribunal in achieving its completion strategy targets.

28. During the reporting period, the Registry processed and disseminated more than 764 internal and external filings, amounting to 13,778 pages. In addition, the Registry drafted and filed approximately 50 legal submissions relating to the ongoing trials and appeals of the Tribunal. The Registry further translated 13,560 pages and provided 339 conference interpreter days. The Registry also facilitated and serviced 39 court days, in support of the ongoing trials and appeals.

29. The Registry's Victims and Witnesses Section provided assistance to 17 witnesses and support persons during the reporting period, including to witnesses testifying in ongoing trials before the Tribunal. This included the provision of logistical and psychosocial support prior to, during and after testimony in The Hague and other locations, catering to diverse needs relating to age, medical condition, psychosocial wellbeing, and physical security. The Section complied with an increasing number of judicial orders to consult protected witnesses in connection with requests for the rescission, variation, or augmentation of their protective measures. The function of protecting witnesses in completed cases has been transferred to the Mechanism since 1 July 2013.

30. The Victims and Witnesses Section is working steadily towards finalizing the pilot study, supported by the University of North Texas and financed in part by voluntary contributions, on the long-term impact that testifying before the Tribunal has on witnesses. During the reporting period, data collected from 300 witness interviews were analysed. The preliminary analysis of the findings of the study indicate that witnesses perceive giving testimony generally as a positive experience. The final report of the pilot study remains on schedule for publication in June 2016.

31. During the reporting period, the Office for Legal Aid and Defence Matters continued to administer the Tribunal's legal aid system, overseeing approximately 70 defence team members, who work with both represented and self-represented accused, safeguarding the defendants' rights to legal representation and adequate resources for their defence. The Office also administered the appointment and remuneration of amici curiae.

32. The Registry also continued to operate the United Nations Detention Unit. The Detention Unit is an autonomous remand and detention centre located within a Dutch penitentiary in Scheveningen, The Hague, and runs a programme of detention

and remand that is in line with or exceeds international humanitarian standards. In addition to Mechanism detainees, the Unit held a total number of nine Tribunal detainees during the reporting period; at the end of the reporting period, the number of Tribunal detainees at the Unit was eight. During the reporting period, one person was sent to the state of enforcement, while two were released after completing their sentences. The Detention Unit further reduced in capacity to a single prison wing on 1 May 2016.

B. Administration activities

33. The Division of Administration continued to take the lead in coordinating responses to, and compliance with, the reports and recommendations of oversight bodies (United Nations Board of Auditors and OIOS). The Division continued with the full implementation of the recently adopted Umoja enterprise resource planning software. The Tribunal vacated its Administration Building in December 2015 and consequently all local operations have now been consolidated into one building. Furthermore, the Liquidation Task Force continued to work on planning for the timely end of Tribunal operations and the appropriate handover of residual activities to the Mechanism.

C. Downsizing

34. The Tribunal remains committed to completing its remaining cases and meeting the projected date for its closure in 2017. The comparative review process for post abolishments for the biennium 2016-2017 was completed in 2015 and faced no challenges through the internal administration of justice system. At the beginning of 2016, a total of 379 posts remained. The projection for January 2017 is 272 remaining posts, all of which will be abolished over the course of the biennium.

35. The Tribunal's Career Transition Office supports staff in all aspects of career management and transition during the period of downsizing and closure of the Tribunal by offering vocational training courses, career consultation services and career-related workshops.

IV. Support for the International Residual Mechanism for Criminal Tribunals

A. Overview of Mechanism-related activities

36. During the reporting period, the Registry continued to provide the Mechanism, and its Hague branch in particular, with judicial support services, including the maintenance of judicial records, legal aid, language services, detention services and witness support services. This support included assisting the Mechanism in finalizing its regulatory framework so as to reflect lessons learned and best practices from both the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Furthermore, all sections of the Registry have continued to support the Mechanism, as needed, with regard to a variety of operations, including recruitment, communications, information technology support, and overall Registry management.

B. Administrative support provided to the Mechanism

37. During the previous biennium, the Mechanism was provided with administrative support services by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, assisted by a limited number of administrative staff funded by the Mechanism. Since the Tribunal for Rwanda closed at the end of 2015, the Tribunal for the Former Yugoslavia continues to ensure that both branches of the Mechanism are provided with effective administrative services throughout the biennium 2016-2017.

38. In addition to the support provided by the Tribunal to the Mechanism in the areas of human resources, general services, procurement, finance, budget, and information technology, the Tribunal continues to contribute significantly to the definition of requirements and procurement of goods and services for the new Mechanism facility in Arusha, which is expected to be completed in 2016. The Tribunal is assisting Mechanism colleagues in Arusha with the necessary procurement and logistical activities to ensure a smooth transition from functions supported by the International Criminal Tribunal for Rwanda to self-sufficiency in areas such as general services. Additionally, the International Tribunal for the Former Yugoslavia continues to provide extensive support to the Mechanism during the implementation of Umoja with a view to ensuring its smooth operation in the coming reporting period.

C. Legal aid

39. Following the transfer of functions to the Mechanism, the Office for Legal Aid and Defence Matters provides support to the Mechanism Registry on matters pertaining to the provision of legal aid to (partially) indigent accused and persons detained under the authority of the Mechanism. During the reporting period, this included working with the Arusha Branch of the Mechanism Registry to develop defence remuneration policies, including with regard to matters pertaining to post-conviction representation.

D. Preparation of records for migration to the Mechanism

40. The Tribunal's Records and Archives Working Group continues to coordinate and oversee the implementation of an overall project plan for the transfer of Tribunal records (both physical and digital) to the Mechanism. The Working Group has prepared a comprehensive risk assessment for the project and the Mechanism Archives and Records Section has provided briefings for Tribunal managers on their responsibilities for addressing the risks identified.

41. Tribunal offices continue to identify and appraise their records and prepare appropriate records for transfer to the Mechanism under the direction and with the support of the Mechanism Archives and Records Section. Disposition plans have been finalized for the Field Offices in Belgrade and Sarajevo and 36 linear metres of records are being transferred to the Section in April 2016. The Tribunal has now transferred the physical records of all its completed cases to the Mechanism. In total, the Tribunal has transferred more than 30 per cent of its anticipated volume of physical archives to the Mechanism. As part of the ongoing review and preparation

of records for transfer to the Section, Tribunal offices destroyed 48 linear metres of redundant records and/or records whose retention periods had expired.

E. Premises

42. Security Council resolution 1966 (2010) identifies the seats of the branches of the Mechanism as The Hague and Arusha. To maximize cost savings and efficiency, The Hague branch of the Mechanism is co-located with the Tribunal until its closure.

V. Communications and outreach

43. The redesigned website of the Tribunal continued to serve a wide range of audiences, with more than 1.2 million page views during the reporting period. The Tribunal's presence on the social media platforms Facebook, Twitter and YouTube continued to expand, with almost 400,000 views during the reporting period. More than 3,500 individuals, predominantly students and legal professionals, visited the Tribunal and heard presentations about its work.

44. The Outreach Programme finalized and screened two feature-length documentaries in the former Yugoslavia: *Crimes before the ICTY: Višegrad* and *Dubrovnik and Crimes against Cultural Heritage*. In addition, the anniversary publication "15 years of Outreach at the ICTY" was produced and published. The fourth cycle of the Youth Outreach Project, generously supported by the Government of Finland, continued with lectures and presentations in the former Yugoslavia. The Tribunal's Liaison Offices assisted Outreach alongside other Registry functions in Bosnia and Herzegovina and in Serbia. The European Union generously agreed to provide financial support to the Outreach Programme for 2016 and as needed until the Tribunal's closure.

VI. Legacy and capacity-building

45. Significant progress on the establishment of information and documentation centres to provide public access to the Tribunal's public records and archives, in accordance with paragraph 15 of Security Council resolution 1966 (2010), has been made in Bosnia and Herzegovina. The country's Government supports the establishment of two information centres and negotiations with the City of Sarajevo and the Srebrenica-Potočari Memorial Centre are at an advanced stage. The Tribunal calls upon all States in the region to support such initiatives.

46. The Mechanism Archives and Records Section continues to lead the work on the digitization of the audiovisual recordings of the Tribunal's judicial proceedings. In March 2016 all available public access recordings from the *Karadžić* case, around 1,200 in total, were digitized and made available online to the public.

VII. Conclusion

47. Following the delivery of two appeal judgments (the two Tribunals) and two trial judgments during the reporting period, the Tribunal has now completed almost all of its cases. By the end of June 2016, only two trials and one appeal case will remain pending. The Tribunal's achievements and continued progress are the result of the hard work and dedication of its judges, staff members, prosecutors and defence lawyers. They are also a reflection of the vital support and assistance provided by the United Nations and other stakeholders, and a testament to the international community's commitment to ending impunity. The Tribunal expresses its deep appreciation to all those who have contributed to and supported its work.

48. The Tribunal is committed to closing its doors by the end of 2017 and is taking all steps within its powers to ensure that the remaining cases are concluded in line with previous forecasts. However, as frankly reported above, the Tribunal continues to face significant challenges in the form of staff attrition, in particular, and its inability to offer an end-of-service grant has significantly exacerbated this problem. On its part, the Tribunal will continue to make every effort to complete its work as expeditiously as possible. However, at this significant time in the Tribunal's history, the continued support and assistance of the Security Council, its Informal Working Group on International Tribunals, the Office of Legal Affairs and the wider United Nations membership will be more crucial than ever to the successful conclusion of the Tribunal's mandate.

Annex II

[Original: English and French]

Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004)

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I. Overview

1. The Prosecutor submits this twenty-fifth completion strategy report pursuant to Security Council resolution 1534 (2004), covering developments between 16 November 2015 and 15 May 2016.

2. During the reporting period, trial judgments were rendered in two cases, *Karadžić* and *Šešelj*, and an appeal judgment was issued in the *Stanišić and Simatović* case. Trial proceedings are ongoing in only one case (*Mladić*) and appeals proceedings are ongoing in two cases (*Stanišić and Župljanin* and *Prlić et al.*). The Trial Chamber in the *Hadžić* case has stayed the proceedings indefinitely. The Office of the Prosecutor continues to remain focused on ensuring that the *Mladić*, *Stanišić and Župljanin* and *Prlić et al.* cases proceed expeditiously.

3. During the reporting period, cooperation between the Office of the Prosecutor and authorities in Bosnia and Herzegovina, Serbia and Croatia continued. However, as at the end of the reporting period, Serbia had not yet fully cooperated with the Tribunal owing to its continued failure to transfer three indictees to the Tribunal's custody. Arrest warrants for these three indictees were first transmitted to Serbia in January 2015, and in October 2015, the President of the Tribunal reported Serbia to the Security Council for failure to comply with its obligations under the statute.

4. As noted in its seven previous reports, the Office of the Prosecutor is concerned with the pace and effectiveness of war crimes prosecutions by national authorities in the former Yugoslavia. The Office welcomes the progress made by the Prosecutor's Office of Bosnia and Herzegovina in resolving outstanding Category II cases and issuing important indictments, as well as the continuing work of other national judiciaries. Nonetheless, legitimate expectations for further significant progress in national war crimes prosecutions in the region have not yet been met. Of particular concern during the reporting period has been an apparent regression in regional cooperation between national prosecution offices in war crimes cases. It is also becoming clearer that the accountability process is hindered by the absence of a more comprehensive and complementary framework for war crimes justice at the regional level. The Office of the Prosecutor of the Tribunal remains of the view that these challenges can be successfully addressed and overcome if there is national ownership of post-conflict justice, appropriately supported by international assistance. The Office of the Prosecutor will continue to engage directly with national authorities and encourage full ownership of and responsibility for the accountability process.

5. The reporting period marked the beginning of a significant new effort to further streamline operations and reduce costs by effectively integrating the staff and resources of the Office of the Prosecutor of the Tribunal with those of the Office of the Prosecutor of the Mechanism for International Criminal Tribunals. Since 1 March 2016, the two Offices have been implementing a "one office" approach that will allow staff and resources to be flexibly deployed across both institutions in double-hatting arrangements as and when needed based on operational requirements, in accordance with the Security Council's directions set forth in resolution 1966 (2010). The Office of the Prosecutor of the Tribunal will continue its downsizing in line with the completion of trials and appeals as foreseen in its approved budget. In addition, it is expected that flexible management of all prosecution staff and resources during the period of coexistence between the

Tribunal and Mechanism will yield some overall cost savings while also significantly improving the capacity of both Offices to respond to any new developments within existing resources. The "one office" approach is also providing an important avenue for ameliorating the still-pressing challenge of severe staff attrition within the Offices.

II. The completion of trials and appeals

A. Overview of ongoing challenges

6. During the reporting period, the trial judgment in *Karadžić* and appeal judgment in *Stanišić and Simatović* were delivered, while the trial judgment in the *Šešelj* case was also issued after some further delay. These results significantly advance the completion of the work of the Tribunal, and should help to address concerns about delays raised in previous reporting periods.

7. While various litigation in pending cases will continue until judgments are rendered, the Office of the Prosecutor is nearing the completion of its primary case-related obligations, namely the presentation of evidence and closing submissions in the *Mladić* case (anticipated fall 2016) and the presentation of oral appeal arguments in the *Prlić et al.* case (anticipated spring 2017). The Office has met and will continue to meet all deadlines imposed to ensure that its part in these cases is successfully completed.

8. The primary challenge in this final period of the work of the Tribunal will be the expeditious rendering of judgments.

B. Update on the progress of trials

1. *Karadžić*

9. On 24 March 2016, the Trial Chamber unanimously convicted the accused for genocide, crimes against humanity and war crimes, and sentenced him to a term of imprisonment of 40 years. The Office of the Prosecutor notes that the Trial Chamber accepted the extensive evidence proving Karadžić's individual criminal responsibility for a broad range of crimes for which he was charged, including crimes committed through municipalities in Bosnia and Herzegovina, during the siege of Sarajevo, the Srebrenica genocide and in relation to taking United Nations personnel hostage.

10. The Office of the Prosecutor extends its appreciation to the international community, particularly the Security Council and United Nations Secretaries-General, for the extensive support provided to the Office, which enabled Karadžić to finally be arrested and brought to justice. The successful completion of this case is a tribute to the commitment of the Council, the United Nations and its Member States to international justice, and clearly demonstrates that justice for the most horrific international crimes is possible.

2. *Šešelj*

11. On 31 March 2016, the Trial Chamber, by majority, acquitted the accused on all counts of the indictment. The Office of the Prosecutor fully understands the

disappointment felt by many victims and communities regarding this verdict. The Office of the Prosecutor of the Mechanism has filed its notice of appeal against the trial judgment.

3. *Mladić*

12. The Prosecution closed its case on 24 February 2014. The *Mladić* defence began the presentation of its evidence on 19 May 2014. The *Mladić* defence has been making extensive use of written evidence pursuant to rule 92ter, which reduces the time taken for oral testimony overall, but still involves courtroom time for the prosecution and the Trial Chamber to ask questions in person of the defence witnesses. The Office has endeavoured to conduct cross-examinations as efficiently as possible.

13. During the reporting period, the trial was adjourned by the Trial Chamber from 1 March to 18 April 2016 to allow the defence a final opportunity to obtain the presence of additional witnesses it proposed to examine. However, the Trial Chamber reminded the parties of its earlier guidance that preparations for the final trial briefs should have been ongoing during the adjournment, and announced that the deadline for submission of final briefs would be 1 September 2016. Because these defence witness delays have been incorporated into the schedule for the final trial brief, there should be minimal impact on the timely completion of the trial. The Office of the Prosecutor will continue to undertake all efforts to support the expeditious completion of this case.

4. *Hadžić*

14. The Trial Chamber adjourned trial proceedings in the *Hadžić* case on 20 October 2014 owing to the ill health of the defendant, approximately midway through the presentation of the defence case. Throughout the past three reporting periods, the Office of the Prosecutor has continued to pursue all reasonable options for resuming and completing the trial, advocating the expeditious completion of the trial in a manner consistent with the accused's right to a fair trial.

15. On 4 March 2016, the Appeals Chamber partially granted the Prosecution's appeal, filed on 1 December 2015, against the Trial Chamber's decision of 26 October 2015 to suspend the proceedings for a period of three months. The Appeals Chamber invited the Trial Chamber to reassess whether the accused was fit to stand trial and the reasonably available modalities to continue the trial. On 24 March 2016, the Trial Chamber found the accused unfit to stand trial and stayed the trial indefinitely. With this most recent decision by the Trial Chamber, the Office of the Prosecutor has effectively exhausted all reasonable options available to complete this case.

16. The Office of the Prosecutor regrets that this case will not result in a verdict on the charges against the accused, particularly in the light of the many efforts the prosecution undertook to streamline its evidence presentation and to propose other options for completing the case even after the accused's health worsened.

C. Update on the progress of appeals

17. On 15 December 2015, the Appeals Chamber partially granted the Office of the Prosecutor's appeal in the *Stanišić and Simatović* case, revoked the judgment of the Trial Chamber judgment and ordered a retrial. Pursuant to the statute and transitional arrangements of the Mechanism, this retrial is being conducted by the Mechanism. The Office of the Prosecutor is satisfied that the Appeals Chamber agreed with our submissions that the Trial Chamber failed to adjudicate and provide a reasoned opinion on essential elements of the prosecution's case at trial and erroneously applied the notion of "specific direction" to acquit the accused of aiding and abetting the crimes charged.

18. The Appeals Division of Office of the Prosecutor continues to focus on expeditiously and effectively completing the two final appeal proceedings before the Tribunal (*Stanišić and Župljanin* and *Prlić et al.*). In addition, the Appeals Division continues to assist trial teams with briefing major legal issues, drafting final trial briefs and preparing closing submissions, including in particular with respect to the *Mladić* case. Finally, during the reporting period the Appeals Division, along with other Office staff members, supported the Office of the Prosecutor of the Mechanism in preparing for appeals proceedings in the *Karadžić* and *Šešelj* cases, consistent with the "one office" approach and to ensure that the Office of the Prosecutor of the Mechanism benefited from the case-specific knowledge and expertise of the Appeals Division.

III. State cooperation with the Office of the Prosecutor of the Tribunal

19. The Office of the Prosecutor continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 29 of the statute of the International Tribunal. The Prosecutor met with officials in Zagreb from 28 to 29 April 2016, and in Sarajevo from 12 to 13 May 2016. Throughout the reporting period, the Office has maintained a direct dialogue with governmental and judicial authorities from Serbia, Croatia and Bosnia and Herzegovina. The Office of the Prosecutor's field offices in Sarajevo and Belgrade continued to facilitate the work of the Office in Bosnia and Herzegovina and Serbia, respectively.

A. Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor

20. The Office of the Prosecutor continued to have appropriate access to documents, archives and witnesses in Bosnia and Herzegovina, Croatia and Serbia during the reporting period.

21. However, the Office is very concerned that, as of the end of the reporting period, Serbia has failed to cooperate with the Tribunal and execute the Tribunal's arrest warrants for three Serbian indictees. Serbia has been obligated to enforce these arrest warrants since January 2015. It has had the opportunity to fully participate in proceedings before the Trial Chamber and provide explanations for its inaction. However, after hearing from Serbia, the Trial Chamber referred Serbia's failure to cooperate to the President of the Tribunal, who in October 2015 then

reported Serbia to the Security Council. The Trial Chamber also ordered Serbia to provide regular reports on its efforts to execute the arrest warrants. The Office of the Prosecutor calls upon Serbian authorities to promptly arrest the three indictees and surrender them to the Tribunal's custody.

B. Cooperation between other States and organizations and the Office of the Prosecutor

22. Cooperation and support from States outside the former Yugoslavia, as well as from international organizations, remains integral to the successful completion of cases at the Tribunal. Continued assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. The Office of the Prosecutor again acknowledges the support it received during the reporting period from States Members of the United Nations and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe and the Council of Europe.

23. The international community continues to play an important role in providing incentives for States in the former Yugoslavia to cooperate with the Tribunal. The European Union policy of conditionality, linking membership progress to full cooperation with the Tribunal, remains an effective tool for ensuring continued cooperation with the Tribunal and consolidating the rule of law in the former Yugoslavia. Assistance is also increasingly needed to support the prosecution of war crimes cases in the former Yugoslavia.

IV. Transition from the International Tribunal for the Former Yugoslavia to national war crimes prosecutions

24. As the Tribunal nears the completion of its mandate, the Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia through ongoing dialogue with counterparts and efforts to build capacity in the national justice sectors. The effective prosecution of war crimes committed during the conflicts in the former Yugoslavia is fundamental to build and sustain the rule of law, as well as for truth-seeking and reconciliation. With the completion of the Tribunal's mandate approaching, accountability for these crimes now depends on national prosecution offices and judiciaries. Over the past few years, the Office of the Prosecutor has redoubled its efforts, within existing resources, to monitor, support and advise national judicial authorities prosecuting war crimes cases.

25. Overall, while the processing of war crimes cases in national judiciaries in the region continued during the reporting period, the picture remains mixed and current trends do not unambiguously point in a positive direction. The pace of national prosecutions is still not yet commensurate with the backlog of cases remaining to be completed, and sufficient progress has not yet been made in investigating and prosecuting complex cases involving senior- and mid-level officials. Positive developments, such as the progress made by the Prosecutor's Office of Bosnia and Herzegovina in resolving pending Category II cases, have demonstrated that

national judiciaries are capable of achieving high-standard results. However, legitimate expectations for broader progress have not yet been met.

26. The Office of the Prosecutor believes that more can and should be done. In its twenty-third completion strategy report (S/2015/342), the Office identified the need for national prosecution offices to adopt and implement strategic approaches to the investigation and prosecution of war crimes under their jurisdiction. There have been some positive developments in this regard; however, more concerted effort is needed.

27. In addition, it is increasingly clear that further progress in national accountability efforts would benefit from a more strategic and cooperative approach at the regional level. The States of the former Yugoslavia have repeatedly expressed their commitments to the fair and impartial adjudication of war crimes without regard to the ethnicity, nationality or official status of the victims or perpetrators. To fully realize these commitments, it is necessary to approach accountability as a regional issue. Political barriers to stronger regional cooperation are a challenge to overcome, not an excuse for impunity.

A. Challenges in establishing accountability for war crimes in the former Yugoslavia

1. Regional cooperation

28. Regional cooperation is essential to ensure that those responsible for crimes are held accountable, particularly as many suspects are no longer present in the territory where they are alleged to have committed the crimes and cannot be extradited to the territorial State for prosecution. During the reporting period, the Office of the Prosecutor grew increasingly concerned that the positive trend in regional cooperation is reversing.

29. The challenges are both political and technical. Prosecutors in the region have demonstrated their professional commitment to effective cooperation. Yet it is clear that political tensions between countries and nationalist pressures domestically, both related to the legacies of the conflicts, are not conducive to regional cooperation in war crimes cases. This is particularly evident in cases that are contentious or notorious. The challenge is magnified by the fact that the current regime for regional judicial cooperation is primarily voluntary in nature. In the absence of recognized, binding obligations to cooperate with regional counterparts, national prosecution offices often find that cooperation is viewed as a political, rather than strictly judicial, matter.

30. The increasingly difficult political environment has further highlighted and exacerbated known technical challenges in regional cooperation. National prosecutors have achieved positive results in transferring case files to other jurisdictions for prosecution, particularly with respect to low-level direct perpetrators. Yet the protocols that have been put in place do not address significant questions, which can only be tackled with strong political will and support. Countries continue to issue or maintain unknown numbers of international arrest warrants, without necessarily informing the country of nationality or prosecutorial counterparts. Contentious extradition litigation in third States, as seen on a number of occasions in the past year, is a failure of cooperation. Equally, there is not yet a

formal framework to identify strategic priorities for war crimes prosecutions at the regional level and govern the allocation of cases between jurisdictions. Without the confidence that relevant suspects will be prosecuted in another country, each country feels compelled to take unilateral steps to prosecute those cases of highest domestic concern, such as where the victims are nationals. As more countries in the region progress in the European Union accession process, undertake European legal obligations and implement European practices, the status quo will become increasingly unsustainable.

31. The current challenges facing regional cooperation are not unique, nor are they insoluble. The Rules of the Road programme in Bosnia and Herzegovina, established under the Rome Agreement of 18 February 1996, was designed to address similar challenges. The meetings held in Brijuni, Croatia, and the "Palić process" have proved invaluable for national prosecutors to promote regional cooperation and can serve as models for even deeper coordination. Regional cooperation has significantly advanced over the past decade through the dedicated efforts of judicial officials. Political will and support are now needed to make accountability a regional issue and advance solutions to current challenges.

2. Challenges in Bosnia and Herzegovina

32. During his visit to Sarajevo in May 2016, the Prosecutor and staff met with the President of the Court of Bosnia and Herzegovina and representatives of the Prosecutor's Office of Bosnia and Herzegovina. Staff of the Office of the Prosecutor of the Tribunal also met with counterparts in the Prosecutor's Office of Bosnia and Herzegovina in March 2016 to discuss the status of war crimes cases. The Office continued to monitor the processing of war crimes cases, particularly the Category II cases, throughout the reporting period.

33. As previously reported, the Prosecutor's Office of Bosnia and Herzegovina has taken prosecutorial decisions in all but one outstanding Category II case. Indictments have been confirmed in those cases, and trial proceedings are under way. This important development demonstrates the value of the Office of the Prosecutor's continued support to and engagement with national prosecutors, as well as the positive results that national judiciaries can achieve in the prosecution of complex cases involving senior- and mid-level suspects. The Office has offered its continued assistance to the Prosecutor's Office of Bosnia and Herzegovina in prosecuting these and other cases, and notes with satisfaction the continued cooperation and exchanges of evidence between the two offices, including the visit by a Bosnian prosecutor in April to search the databases of the Office and liaise with staff that have extensive experience in related cases.

34. The Office of the Prosecutor of the Tribunal has encouraged the Prosecutor's Office of Bosnia and Herzegovina to ensure that its staff and resources are appropriately deployed to and efficiently utilized for the most complex and highest-priority cases. While recognizing the appropriate deployment of resources to the Category II cases, it must also be noted that the Prosecutor's Office of Bosnia and Herzegovina continues to file significant numbers of indictments in less complex cases. According to the National War Crimes Strategy, such cases should instead be prosecuted at the entity level. From October 2015 to May 2016, the Prosecutor's Office of Bosnia and Herzegovina filed 48 new indictments in war crimes cases, of which 39 were confirmed. Approximately 33 per cent of the confirmed indictments

concerned the most complex and highest priority cases, as identified in the National War Crimes Strategy. This continues a trend that has been evident and reported by the Office of the Prosecutor over the past few years. In addition, judicial authorities at the entity, cantonal and district levels have reported a range of concerns regarding cooperation with the Prosecutor's Office of Bosnia and Herzegovina. The Office of the Prosecutor encourages the Prosecutor's Office of Bosnia and Herzegovina to devote its attention to the most complex and highest-priority cases, which it alone has the jurisdiction, resources and expertise to prosecute.

35. Following the failure to achieve the deadlines established in the National War Crimes Strategy, the process of revising and updating the Strategy is now under way. In addition to establishing new deadlines to process the large backlog of outstanding cases, it will be important that the revised Strategy incorporates lessons learned to date in the processing of war crimes cases in Bosnia and Herzegovina, and addresses the key challenges identified to more comprehensive accountability. Issues that may benefit from further consideration include performance assessment methods for prosecutors, improved cooperation between State- and entity-level prosecution offices, charging practices for crimes against humanity and the implementation of strategic approaches to the investigation and prosecution of crimes. The Office of the Prosecutor stands ready to assist in discussions regarding the new Strategy, and will continue to closely monitor progress in war crimes prosecutions in Bosnia and Herzegovina.

3. Challenges in Croatia

36. During his visit to Zagreb in April 2016, the Prosecutor and staff met with the Minister of Foreign Affairs, the Minister of Justice and the State Attorney.

37. The primary topic of discussion was the cooperation of Croatian authorities with their regional counterparts in the prosecution of war crimes cases. As previously reported, the Prosecutor's Office of Bosnia and Herzegovina has sought cooperation from Croatian authorities in processing a number of Category II case files. In the course of transferring the relevant case files to Croatian judicial authorities, a number of challenges have arisen.

38. In his meeting with the Prosecutor, the Croatian Minister of Justice confirmed that one case from Bosnia and Herzegovina had been pending in his Ministry for more than one year without resolution, as a result of a policy of the Government of Croatia, including the decision adopted by the Government on 3 June 2015. This decision instructed Croatian authorities not to provide cooperation to foreign judiciaries in certain war crimes cases, namely those in which the indictment alleges that members of Croatian civilian and military bodies participated in a joint criminal enterprise to commit international crimes, or that the Croatian military participated in widespread and systematic attacks against civilian populations.

39. The Office of the Prosecutor urges the Croatian authorities to promptly review its policy, as this political decision is hindering the urgently needed progress in regional cooperation and the processing of Category II case files. The Office also encourages the Minister of Justice of Bosnia and Herzegovina to engage with his Croatian counterpart to ensure that Category II case files and other cases transferred from Bosnia and Herzegovina are appropriately processed. The Office will continue to monitor the status of this situation.

40. The Prosecutor also discussed with the State Attorney the status of two Category II cases that have been pending for some time between the Bosnian and Croatian judiciaries. In these discussions, the lack of progress was largely attributed to miscommunication and disagreements between Bosnian and Croatian prosecutors on technical matters, in particular the sufficiency and quality of the available evidence. The State Attorney recognized the importance of Category II cases, confirmed the willingness of his office to further investigate these cases and emphasized that war crime prosecutions were a top priority for his office. The Office of the Prosecutor will support future discussions between Bosnian and Croatian prosecutors in order to assist with finding solutions to help move these cases forward.

41. The Office of the Prosecutor welcomes the commitment of Bosnian and Croatian judicial authorities to cooperate in the prosecution of war crimes, both with respect to the Category II cases and more generally. This will be an important test for regional cooperation and the rule of law. The Office will continue to monitor developments and hopes to be able to report significant progress in the future.

4. Challenges in Serbia

42. During the reporting period, the Office of the Prosecutor's field office in Belgrade continued to regularly engage with judicial and governmental officials on relevant issues.

43. As previously noted, war crimes prosecutions in Serbia are at a crucial crossroads. Serbian judicial authorities must process a large number of war crimes cases that will predominately, but not exclusively, involve Serbian nationals suspected of committing crimes against nationals of other States. It is important to recognize the achievements of the Serbian War Crimes Prosecutor's Office's to date, which could not have been foreseen a decade ago. At the same time, many more cases remain to be investigated and prosecuted in Serbia against Serbian nationals, and there have not yet been sufficient prosecutions involving senior- and mid-level accused. Events during the reporting period demonstrated the uneven progress of war crimes prosecutions in Serbia and the serious challenges that must be overcome.

44. On 20 February 2016, the Government of Serbia adopted the National Strategy for the Prosecution of War Crimes for the Period 2016-2020. The Strategy expresses the commitment of the Government to accountability for war crimes, regardless of the nationality, ethnicity, religion or status of the perpetrator or victim. The Strategy further establishes important goals that should significantly improve the efficiency of war crimes justice in Serbia, including supporting the judiciary and improving societal acceptance of prosecuting war crimes. The successful implementation of the Strategy will now depend, in part, on the Government providing sufficient administrative, financial and political support to relevant judicial bodies, including the Serbian War Crimes Prosecutor's Office and the Service for Investigations of War Crimes at the Ministry of Interior. The Office of the Prosecutor also notes with satisfaction the filing of four indictments as a result of cooperation between Bosnian and Serbian judicial authorities.

45. Conversely, as mentioned earlier in the report and as reported by the President of the Tribunal to the Security Council in October 2015, Serbia has failed to cooperate with the Tribunal by arresting three indictees for whom arrest warrants were issued in January 2015. In addition, there were a number of concerning

developments during the reporting period. Most pressing has been the failure of the Government of Serbia to secure the appointment of a new Chief War Crimes Prosecutor by the December 2015 deadline. As it was known for at least a year that the former Chief Prosecutor would retire, it is difficult to understand how the appointment process for his successor could not be finalized on time. Moreover, the competition to identify a successor raised a number of concerns, with observers questioning how inexperienced candidates were rated more highly than proven candidates with decades of prosecutorial experience. The consequences for the Serbian War Crimes Prosecutor's Office and the war crimes justice process have been serious, as the War Crimes Prosecutor's Office has been without a formally appointed leader for more than five months during a critical period. The Office of the Prosecutor fully expects that the repeat of the second recruitment process will be conducted transparently according to professional criteria and will result in the appointment of a candidate with undisputed experience and an unimpeachable reputation.

46. Unfortunately, the *Djukić* case, raised in the previous three reports, also remains unresolved as at the end of the reporting period. Novak Djukić was convicted and sentenced by the State Court of Bosnia and Herzegovina to 20 years of imprisonment for the so-called Tuzla Gate Massacre, in which 71 civilians were murdered and 240 wounded. He subsequently fled to Serbia. In November 2015, Serbian authorities received the request from Bosnia and Herzegovina to enforce Djukić's sentence. Since then, court proceedings on this request have been adjourned twice owing to the non-attendance of the convicted person. Djukić's sentence should be enforced as soon as possible. The Office of the Prosecutor will continue to monitor the situation and engage as appropriate with national authorities in Bosnia and Herzegovina and Serbia to help move this matter forward.

47. The participation of persons convicted by the Tribunal in election campaigns during the reporting period indicated the scale of the challenges facing war crimes justice and reconciliation in Serbia. Convicted persons appeared at campaign events for some political parties, while another person convicted by the Tribunal appeared on Serbian public television in support of the party in which he is a senior official. Serbian political parties seeking electoral advantage through the support of convicted war criminals raises legitimate concerns about the strength of the commitment of Serbia to war crimes justice and reconciliation. The newly elected Government will now have the opportunity to concretely demonstrate that it accepts the facts established in the judgments of the Tribunal and the kind of policies that it will promote in the future.

B. Support from the Office of the Prosecutor of the Tribunal to prosecutions of regional war crimes

48. The Office of the Prosecutor continues to assist countries in the former Yugoslavia to more successfully handle their remaining war crimes cases.

1. Access to information and evidence

49. During the reporting period, the Office of the Prosecutor continued to provide information and evidence to national jurisdictions investigating and prosecuting crimes arising out of the conflicts in the former Yugoslavia. Information on these activities is provided in the report of the Office of the Prosecutor of the Mechanism.

2. European Union/International Tribunal for the Former Yugoslavia project

50. The joint European Union/International Tribunal for the Former Yugoslavia Training Project for National Prosecutors and Young Professionals from the former Yugoslavia continues to be a central component of the strategy of the Office of the Prosecutor to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases. The presence of liaison prosecutors facilitates contacts between the trial teams of the Office and the regional judicial authorities. This is of utmost importance for the ongoing trial and appeals cases of the Tribunal, as well as for the cases that are prosecuted at the local level. Another part of the project, which terminated at the end of 2015, involved bringing young legal professionals from the former Yugoslavia with a commitment to prosecute war crimes cases to work as interns with the Office in The Hague. The Office is grateful to the European Union for supporting this important project and recognizing the need to build capacity by educating and training young lawyers from the region. The European Union and the Office have agreed to continue the liaison prosecutors component of the project until the end of 2016. The Office expects to shortly commence discussions with the European Union to transition and extend the project with the Office of the Prosecutor of the Mechanism.

51. The Office of the Prosecutor strongly encourages national judiciaries to recognize and take full advantage of the valuable skills and expertise developed by participants in the project. Liaison prosecutors returning to their home offices may be well placed to undertake demanding assignments and assume leadership roles in their institutions. Likewise, young professionals should be seriously considered for positions as legal officers and prosecutors in the light of the unique experience and advanced knowledge gained during their internships. The Office has begun monitoring the career progression of former participants and will provide reports to national authorities, as appropriate.

3. Regional training

52. Within existing resources, the Office of the Prosecutor has long supported capacity-building efforts in regional justice sectors by providing training to its regional counterparts on a range of issues. In the reporting period, the Office continued to participate as requested in training programmes for personnel working on war crimes cases.

53. As previously reported, the Office of the Prosecutor prepared and circulated its report assessing the training needs of Bosnian personnel working on war crimes cases. The Office encourages donors and training providers to give serious consideration to the recommendations made in the training needs assessment report of the Office, as reinforced by recent discussions between the Office and stakeholders.

C. The search for missing persons

54. In the Prosecutor's meetings with victims' associations, the lack of information concerning missing family members continues to be consistently identified as one of the most important outstanding issues. The search for and exhumation of mass graves and the subsequent identification of the remains need to be accelerated, as it is essential for surviving family members and fundamental to

reconciliation in the former Yugoslavia. Victims from all sides of the conflict must be identified.

55. The Prosecutor used the occasion of the *Karadžić* judgment to bring attention to the need for continued efforts in the search for missing persons, calling upon all States to continue supporting the process. Throughout the reporting period the Sarajevo Field Office directly supported Bosnian authorities responsible for missing persons. The Office of the Prosecutor also hosted visits by staff of an international organization who sought access to evidence and expertise to support their efforts in finding persons missing from the conflict in Kosovo. Finally, the Office has commenced discussions with national counterparts in Bosnia and Herzegovina regarding a public information campaign to encourage those who have information about mass graves to come forward. As previously reported, the Office believes that a key challenge is the current sociopolitical environment that glorifies war criminals. The Office of the Prosecutor will continue to work with counterparts to identify strategies to overcome this challenge.

56. Bosnia and Herzegovina, Croatia, Montenegro and Serbia have undertaken commitments to assume additional responsibilities in the investigation and identification of persons who went missing during the conflicts. The Office of the Prosecutor encourages these authorities to ensure that their commitments are translated into concrete activities and results.

D. Compensation for victims

57. The Office of the Prosecutor encourages its national counterparts to actively work within the existing legal frameworks to incorporate compensation claims into criminal trial proceedings where possible. Procedures should be streamlined to assist war crimes victims in obtaining redress and to discourage the imposition of unnecessary burdens upon the victims, such as by requiring them to bring separate civil compensation proceedings. The Office also strongly encourages the adoption of operational guidelines for prosecutors to improve consistency of approach across prosecution offices. This, in turn, would ensure better outcomes for victims, and increase their confidence in the rule of law.

E. Global capacity-building

58. In addition to its work in the former Yugoslavia, the Office of the Prosecutor has increasingly been called upon to engage with national criminal justice sectors around the world that are developing their capacity to prosecute war crimes or complex crimes in challenging environments. The Office aims to ensure that the lessons learned from its work and the best practices that have been developed for international prosecutions are widely shared with national counterparts working across a range of criminal justice issues. Within the limits of its operational capacity, the Office will continue to engage with training providers and donors working in regions outside the former Yugoslavia to ensure that appropriate practical training in investigative and prosecutorial techniques is made available.

59. On 31 May 2016, the Office of the Prosecutor will launch its book on the prosecution of conflict-related sexual violence crimes over the course of the Tribunal's mandate. This publication thoroughly documents and analyses the work

of the Office and the Tribunal's jurisprudence on these crimes. Prepared with a capacity-building focus, the Office's book will be an important tool for practitioners. The Office is also in the process of developing training materials for teaching the key insights and messages from the book. The Office of the Prosecutor would welcome discussions with Member States who would be interested in supporting the dissemination of the lessons learned by the Office and raising awareness of the critical need to improve the investigation and prosecution of conflict-related sexual violence crimes.

60. Other legacy-related papers are also in progress at the time of the writing of the present report, covering topics including practical aspects of prosecuting superior responsibility and leadership cases and other topics relevant to investigating and prosecuting complex crimes. As those experiences are potentially relevant to other judicial accountability mechanisms confronted with similar challenges, the Office of the Prosecutor hopes to make publicly available a number of the legacy papers to the extent compatible with operational requirements for completion of the remaining trials and appeals.

V. Downsizing

A. Downsizing of posts of the Office of the Prosecutor and provision of career transition support to staff of the Office

61. At the beginning of 2016, the Office of the Prosecutor had a total of 81 staff members. The Office will continue to downsize posts based on the completion of relevant phases of the trial and appeal proceedings. Delays in the completion of proceedings have not impacted the downsizing of the Office, as it has been able to absorb the additional requirements within existing resources and continue its downsizing on schedule.

62. The Office is actively supporting measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. The Office of the Prosecutor continues to support training for its staff members and to assist staff to take advantage of the services offered by the Career Transition Office. In relation to this development, the Office is facilitating networking and other opportunities to assist its staff members, including opportunities for its staff members to become qualified for various United Nations standby rosters and to work for short periods with other United Nations bodies on issues in respect of which they have valuable expertise. Given the difficulties of releasing staff members for lengthy periods, the Office is seeking to identify short-term opportunities for staff members on discrete assignments that can be accommodated in the light of the operational requirements of the Office.

B. Supporting and sharing resources with the International Residual Mechanism for Criminal Tribunals (Hague Branch)

63. The resource-sharing by the Office of the Prosecutor of the Tribunal with the Office of the Prosecutor of the Mechanism significantly increased during the reporting period, with the implementation of the "one office" approach to integrate the staff and resources of the two Offices. Under this policy, all Prosecution staff

will now be available to "double-hat" so that they can be flexibly assigned to either Tribunal- or Mechanism-related work depending on operational requirements and their case-related knowledge. Resources of both Offices will also be flexibly deployed where needed.

64. For the Office of the Prosecutor of the Tribunal, which is continuing its downsizing, the primary impact of the "one office" approach will be to ensure that staff and resources can be made available at no additional cost to address unforeseen developments in Tribunal cases and to ameliorate the pressing problem of staff attrition in the final phase of the Tribunal. These are important measures to help to ensure the successful implementation of the completion strategy. Prosecution staff of the Tribunal will also now have the opportunity to participate in the work of the Mechanism, even while they remain on their post at the Tribunal. It is hoped that this will help to promote the retention of staff until their posts are downsized, a long-standing challenge.

VI. Conclusion

65. The reporting period saw important progress towards the implementation of the completion strategy, with the finalization of two trials and one appeal. The Office of the Prosecutor remains firmly focused on expeditiously completing the remaining trials and appeals, while simultaneously reducing its resources and downsizing its staff. The Office will continue to take measures within its control to reduce the time necessary to complete the remaining trials and appeals, while continuing to allocate resources flexibly and to effectively manage staff attrition and downsizing.

66. By failing to execute arrest warrants and transfer three indictees to the Tribunal's custody, Serbia is not in compliance with its international obligations to cooperate with the Tribunal. The Office of the Prosecutor hopes that this situation is urgently resolved so that Serbia can return to the status of full cooperation.

67. Significant challenges remain with respect to national prosecutions of war crimes in the former Yugoslavia. Positive results have been achieved, but more expeditious progress is needed in the light of the scale and importance of the work to be completed. The Office will continue to engage with counterparts and support improvement in the national processing of war crimes. The Office will also continue to encourage improved regional cooperation on matters involving war crimes and will closely monitor developments.

68. In all of these endeavours, the Office of the Prosecutor relies upon the support of the international community and especially of the United Nations Security Council.

Enclosure I

A. Trial judgments 17 November 2015-17 May 2016 (by individual)

Name	*Former title*	*Initial appearance*	*Trial judgment*
Radovan Karadžić	President, Republika Srpska	31 July 2008	24 March 2016
Vojislav Šešelj	President, Serbian Radical Party	26 February 2003	31 March 2016

B. Appeal judgments 17 November 2015-17 May 2016 (by individual)

Name	*Former title*	*Appeal judgment*
Jovica Stanišić	Head, State Security Services, Republic of Serbia	15 December 2015
Franko Simatović	Commander, Special Operations Unit, State Security Services, Republic of Serbia	15 December 2015

Enclosure II

A. Persons on trial as at 17 May 2016 (by individual)

Name	*Former title*	*Initial appearance*	*Start of trial*
Ratko Mladić	Commander of the Bosnian Serb Army Main Staff	3 June 2011	Trial commenced on 16 May 2012
Goran Hadžić	President, Serbian Autonomous District Slavonia, Baranja and Western Srem	25 July 2011	Trial commenced on 16 October 2012

B. Persons on appeal as at 17 May 2016 (by individual)

Name	*Former title*	*Date of trial judgment*
Mićo Stanišić	Minister, Internal Affairs, Republika Srpska	27 March 2013
Stojan Župljanin	Chief of the Serb-Operated Regional Security Services Centre, Banja Luka	27 March 2013
Jadranko Prlić	President, Croatian Republic of Herceg-Bosna	29 May 2013
Bruno Stojić	Head of Department of Defence, Croatian Republic of Herceg-Bosna	29 May 2013
Milivoj Petković	Deputy Overall Commander, Croatian Defence Council	29 May 2013
Valentin Ćorić	Chief of Military Police Administration, Croatian Defence Council	29 May 2013
Berislav Pušić	Control Officer, Department of Criminal Investigations, Military Police Administration, Croatian Defence Council	29 May 2013
Slobodan Praljak	Assistant Minister of Defence of Croatia and Commander of the Croatian Defence Council Main Staff	29 May 2013

C. Trial judgments for contempt 17 November 2015 to 17 May 2016 (by individual)

Name	*Former title*	*Date of (order in lieu of) indictment*	*Trial judgment*
None			

D. Appeal judgments for contempt 17 November 2015 to 17 May 2016 (by individual)

Name	*Former title*	*Date of trial contempt judgment*	*Appeal judgment*
None			

Enclosure III

Proceedings completed during the period 17 November 2015 to 17 May 2016

A. Trial judgments rendered in the period 17 November 2015 to 17 May 2016

1. Radovan Karadžić IT-95-5/18 (24 March 2016)
2. Vojislav Šešelj IT-03-67 (31 March 2016)

B. Contempt judgments rendered in the period 17 November 2015 to 17 May 2016

None

C. Appeals from judgments rendered in the period 17 November 2015 to 17 May 2016

1. Stanišić and Simatović IT-03-69A (15 December 2015)

D. Appeals from contempt rendered in the period 17 November 2015 to 17 May 2016

None

E. Final interlocutory decisions rendered on appeal in the period 17 November 2015 to 17 May 2016

1. Šešelj IT-03-67-AR65.1 (9 February 2016)
2. Hadžić IT-04-75-AR73.1 (4 March 2016)

F. Review, referral and other appeal decisions rendered in the period 17 November 2015 to 17 May 2016

None

Enclosure IV

Ongoing proceedings as at 17 May 2016

A. Trial judgments pending as at 17 May 2016

1. Mladić IT-09-92-T
2. Hadžić IT-04-75-T

B. Contempt judgment pending as at 17 May 2016

1. Jojić et al. IT-03-67-R77.5

C. Appeals from judgments pending as at 17 May 2016

1. Stanišić and Župljanin IT-08-91-A
2. Prlić et al. IT-04-74-A

D. Appeals from contempt pending as at 17 May 2016

None

E. Interlocutory decisions pending as at 17 May 2016

None

F. Review, referral and other appeal decisions pending as at 17 May 2016

None

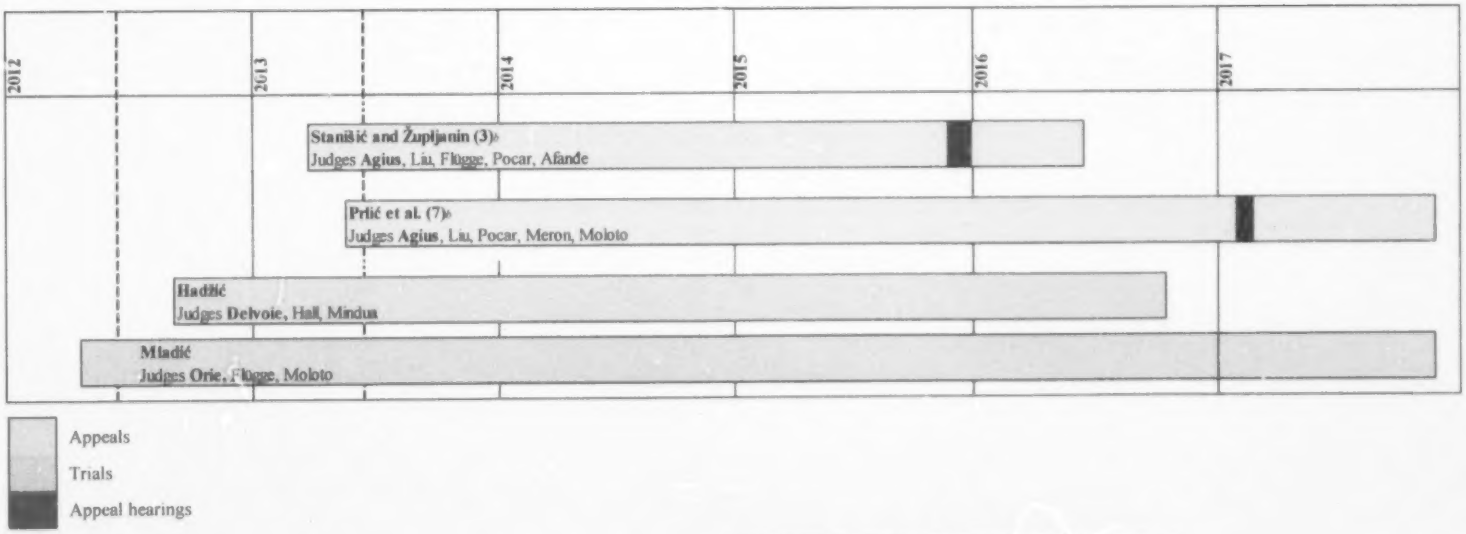
Enclosure V

Decisions and orders rendered during the period 17 November 2015 to 17 May 2016

1. Total number of decisions and orders rendered by the Trial Chambers: 78
2. Total number of decisions and orders rendered by the Appeal Chamber: 22
3. Total number of decisions and orders rendered by the President of the Tribunal: 11

Enclosure VI

Trial and appeals schedule of the International Tribunal for the Former Yugoslavia as at 17 May 2016[a]



[a] Contempt matters are not included.
[b] Number of accused/appellants, including the prosecution.